



Nebraska Highway 12 Niobrara East And West Draft Environmental Impact Statement

Executive Summary

October 9, 2015



The Project at a Glance

Nebraska Highway 12 (N-12) east and west of the village of Niobrara Nebraska (Niobrara), runs next to the Missouri River and is within the Missouri River floodplain. Portions of the roadway are within the Missouri National Recreational River (MNRR) boundary (39-Mile District). N-12 in this area has experienced frequent flooding. The applicant, the Nebraska Department of Roads (NDOR), is seeking a long-term solution to the problems associated with frequent flooding of these areas of N-12 (the project).

Project Need

The project is needed to:

1. Provide a reliable transportation link on N-12 between Verdel, Nebraska, Niobrara, and Spur 54-D (S-54D)
2. Fix existing roadway problems caused by seasonal river flooding
3. Safely accommodate current and projected traffic levels while maintaining regional connectivity



N-12 Flooding occurs when Missouri River flows exceed 50,000 cubic feet per second (*one cfs is approximately the size of a basketball passing a point every second*).



N-12 roadway maintenance costs are more than two times the costs for similar roadways.



Shoulder widths are half of what the standard is for this type of roadway.



Lane widths are 11 feet versus the standard 12 feet for this type of roadway.



What is the Applied-For Project?

NDOR proposes to relocate the eastern and western floodplain segments of N-12 to locations south of their existing locations. The segment of N-12 that is in the bluffs, including the segment that goes through Niobrara, would remain the same. The new roadway segments would have a higher elevation and enhanced bridged sections (referred to as Alternative A7 – Base of Bluffs Elevated Alignment). The west segment is approximately 6.1 miles long and extends from just east of Verdel, on the west end to 2.0 miles west of the bridge over the Niobrara River. The east segment is approximately 6.0 miles long and extends from just east of Buckeye Road in Niobrara to approximately 1.0 mile east of S-54D. A new connection to the Chief Standing Bear Memorial Bridge (Nebraska Highway 14 [N-14]) and South Dakota Highway 37 (SD-37) would be developed. Once the roads are completed, the existing west and east segments of N-12 roadway would be removed to the existing ground level.

Whose Project is This?

NDOR has submitted a Section 404 of the Clean Water Act permit application containing a roadway design for Alternative A7 (the Applied-for Project) to the U.S. Army Corps of Engineers (Corps), Omaha District, Regulatory Division. The permit application is requesting authorization for the placement of fill material in waters of the U.S. The Corps is responsible for the review of the permit application for the Applied-for Project, and for compliance with the National Environmental Policy Act of 1969 (NEPA) and other federal laws and acts. The Corps must determine if a Section 404 of the Clean Water Act permit can be issued for the Applied-for Project. The National Park Service (NPS), in compliance with the National Wild and Scenic Rivers Act, is responsible for review of the Applied-for Project for compatibility with the values of the MNRR (39-Mile District).



What is the Purpose of the Environmental Impact Statement?

The Corps, as part of its permit review process, developed this Draft Environmental Impact Statement (Draft EIS) in compliance with the requirements of NEPA. The purpose of the Draft EIS is to provide a full and fair discussion of the Applied-for Project and other reasonable alternatives. The Draft EIS informs decision makers and the public of the environmental impacts of the Applied-for Project and the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

The Corps invites interested parties to comment on this Draft EIS.

To the Reader

The Draft EIS is contained on a disk found at the back of this document. The disk contains electronic copies of the Executive Summary, the individual chapters, and the appendices.

Contact

Rebecca Latka

U.S. Army Corps of Engineers
1616 Capitol Ave
Attn: CENWO-OD-RF
Omaha, NE 68102-4901
P. 402-995-2681
E. Rebecca.J.Latka@usace.army.mil

Matt Pillard

EIS Project Manager
HDR
8404 Indian Hills Drive
Omaha, NE 68114
P. 402-399-1186
E. Matt.Pillard@hdrinc.com

Participating Agencies

Lead Agency

- U.S. Army Corps of Engineers (Corps)

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Cooperating Agencies

- U.S. Environmental Protection Agency (EPA)
- National Park Service (NPS)
- U.S. Fish and Wildlife Service (USFWS)
- Federal Highway Administration (FHWA)
- Knox County



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Acronyms, Abbreviations, and Short Forms

Chief Standing Bear Memorial Bridge	N-14
cubic feet per second	cfs
Environmental Impact Statement	EIS
Federal Highway Administration	FHWA
Lewis and Clark Lake	Lake
Missouri National Recreational River	MNRR
National Environmental Policy Act	NEPA
National Park Service	NPS
Nebraska Department of Roads	NDOR
Nebraska Highway 12	N-12
Spur 54D	S-54D
U.S. Army Corps of Engineers	Corps
U.S. Environmental Protection Agency	EPA
U.S. Fish and Wildlife Service	USFWS
Village of Niobrara	Niobrara



Overview

The applicant, NDOR, is seeking a long-term solution to the problems associated with frequent flooding of N-12 roadway east and west of Niobrara.

The Corps, Omaha District, Regulatory Division, received a Section 404 of the Clean Water Act permit application from NDOR on September 11, 2015, requesting authorization for the placement of fill material in waters of the U.S. in connection with NDOR's proposed roadway alternative (Alternative A7 – Base of Bluffs Elevated Alignment, the Applied-for Project).

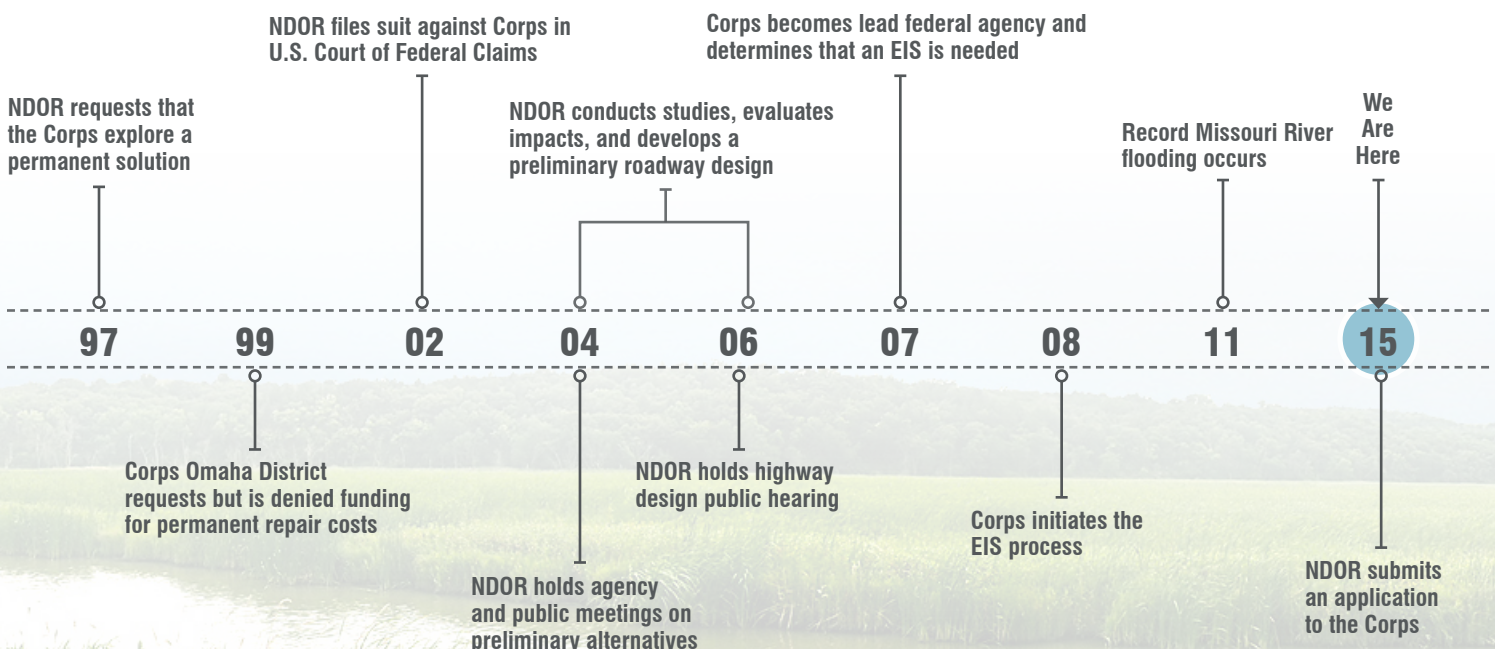
What is Causing the Flooding of N-12?

Gavins Point Dam was constructed by the Corps in the 1950s. Gavins Point Dam is the last in a series of six major flood control dams constructed in the Missouri River. The construction of Gavins Point Dam created Lewis and Clark Lake (Lake), which has resulted in a rising groundwater table. In 1973, rising groundwater levels created the need to relocate Niobrara. The relocation of Niobrara was completed in 1978. N-12, which runs parallel to a reach of the Missouri River and occurs within the Missouri River floodplain both east and west of Niobrara, has experienced

frequent flooding (periods when the Corps released flows from Fort Randall Dam [see Figure 1-1 on page 3 and 4] that peaked above 50,000 cfs [approximately the upper 20 percent of the range of flows] for which flooding of N-12 was known to occur).

Several factors contribute to frequent flooding. Gavins Point Dam slows the current of the Missouri River and causes deposition of silt (aggradation) as the river enters the Lake, downstream of Niobrara. In addition, as the Missouri River passes the mouth of the Niobrara River, silt from the Niobrara River is deposited, causing greater aggradation. Aggradation has created a delta at the confluence of the Missouri and Niobrara rivers, raising the water levels of both rivers and causing flooding along N-12. Finally, Fort Randall Dam is operated approximately 35.5 miles upstream of the Niobrara River, and high releases of water from the dam combined with aggradation downstream can cause flooding.

Summary of Events Leading to this Draft EIS



Where is the Project?

N-12 east and west of Niobrara, is situated parallel to the Missouri River and the upstream end of the Lake, created by Gavins Point Dam.

- The west segment is approximately 6.2 miles long and extends from just east of Verdel, on the west end to 2.0 miles west of the bridge over the Niobrara River.
- The east segment is approximately 6.0 miles long and extends from just east of Buckeye Road in Niobrara to approximately 1.0 mile east of S-54D.

The project is located upstream of Gavins Point Dam; the western extent of the Study Area is approximately 42.3 miles upstream of the dam, and the eastern extent of the Study Area is approximately 20.5 miles upstream of the dam (see Figure ES-1). Portions of the project are located within the MNRR boundary.

What is NDOR's Applied-For Project?

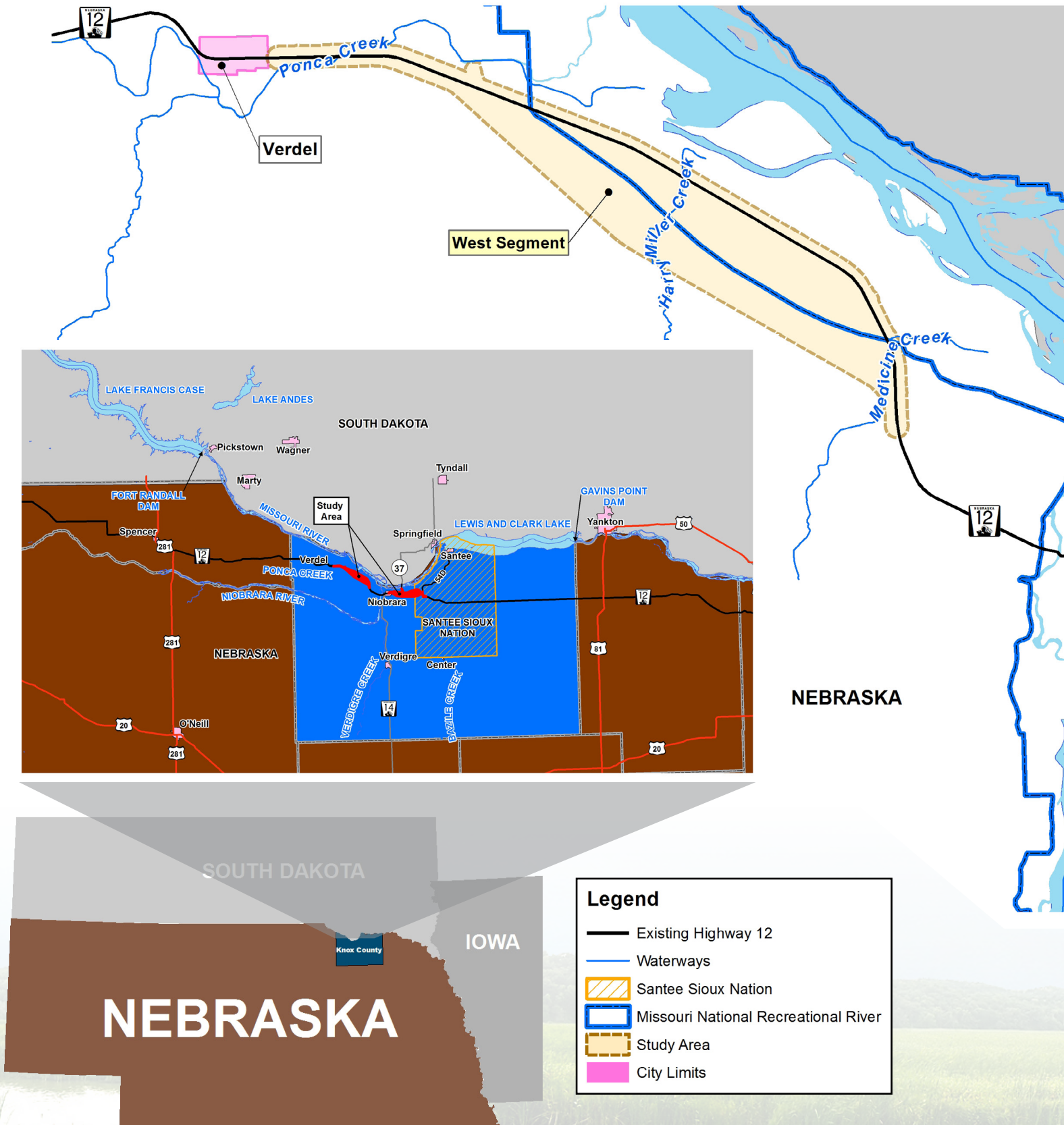
NDOR proposes to relocate the eastern and western floodplain segments of N-12 to locations south of their existing locations. The segment of N-12 that is in the bluffs, including the segment that goes through Niobrara, would remain the same. The new roadway segments would have a higher elevation and enhanced bridged sections (referred to as Alternative A7 – Base of Bluffs Elevated Alignment). The west segment is approximately 6.1 miles long and extends from just east of Verdel on the west end to 2.0 miles west of the bridge over the Niobrara River. The east segment is approximately 6.0 miles long and extends from just east of Buckeye Road in Niobrara to approximately 1.0 mile east of Spur 54D (S-54D). A new connection to the Chief Standing Bear Memorial Bridge (N-14) and SD-37 would be developed. Once the roads are completed, the existing N-12 roadway would be removed to the existing ground level.

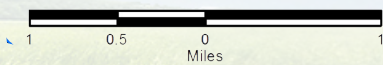
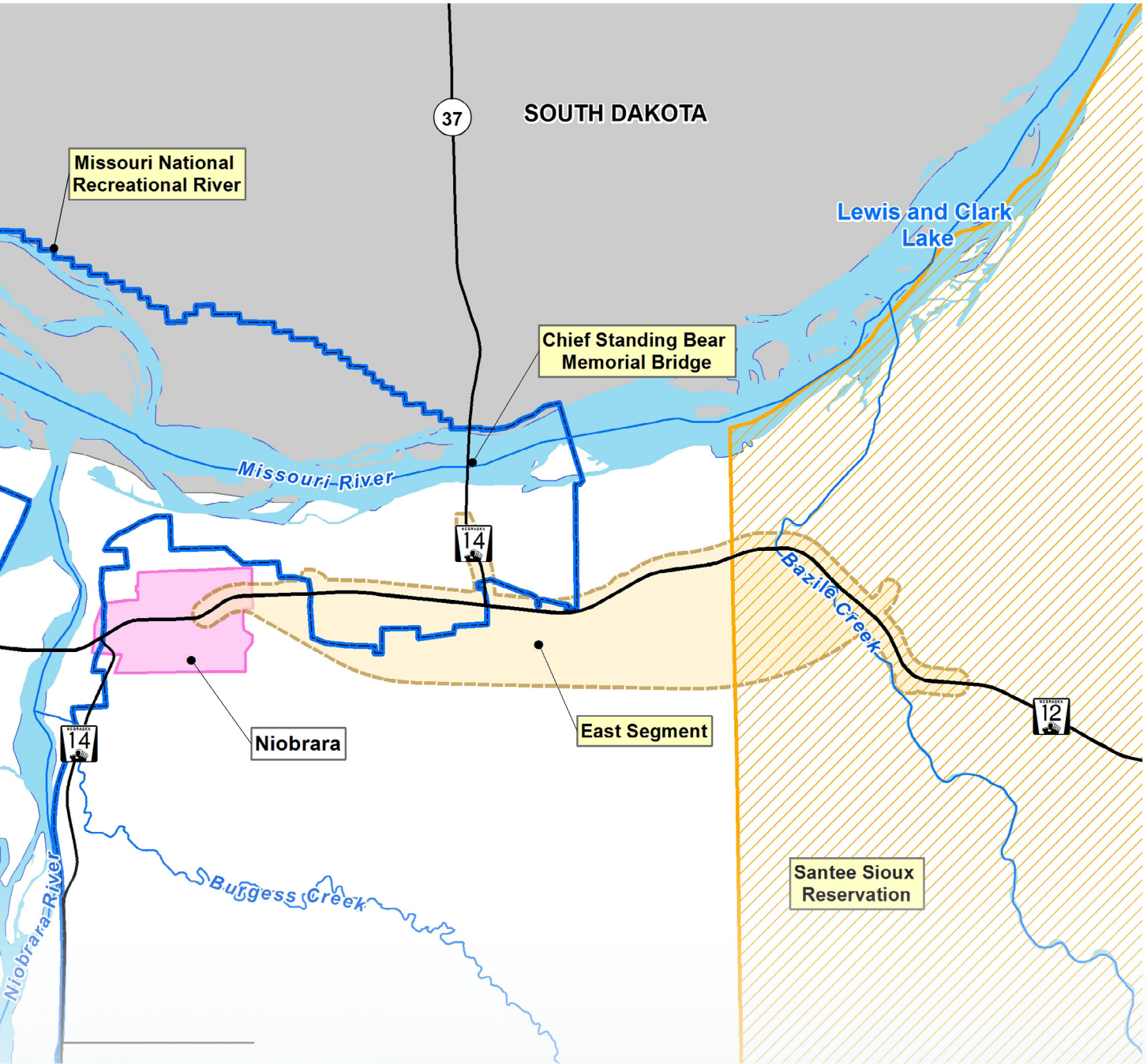
West Segment of N-12 from Niobrara State Park

East Segment of N-12 west of Bazile Creek



Figure ES-1 Study Area Map





Process

Who is Involved? The Corps, as the lead federal agency, conducted scoping and subsequent agency and public coordination meetings, and produced this Draft EIS.

This Draft EIS has been developed to provide the Corps with the information to make an informed decision pertaining to a Corps Section 404 of the Clean Water Act (33 United States Code [USC] 1344) permit application submitted by NDOR. The Corps decision will also be provided in the form of a Record of Decision (ROD). Information presented in this Draft EIS will also be used to aid in the decision required by the NPS, a cooperating agency, as it relates to the Wild and Scenic Rivers Act.

In addition to NPS, EPA, USFWS, the Federal Highway Administration (FHWA), and Knox County are serving as cooperating agencies. The Nebraska Game and Parks Commission (NGCP) and Nebraska Department of Environmental Quality (NDEQ) are participating as review agencies.

What Does the Corps Consider in Making Its Permit Decision?

The Corps initiated the NEPA process as part of its Section 404 of the Clean Water Act permit review process of NDOR's Applied-for Project. The Corps will evaluate comments received on the Draft EIS and comments received as part of the public notice review of the permit application. As part of this evaluation, the Corps is required to consider the following:

- 1) Compliance with the Section 404(b)(1) guidelines
- 2) The public interest review
- 3) Compliance with relevant federal laws and regulations

Does the Corps have a Preferred Alternative?

The Corps' role is to review and make a decision on the permit application provided by NDOR. To maintain neutrality in the review process, the Corps does not identify an agency preferred alternative in this Draft EIS, nor will it in the Final EIS.

How is the Public Involved?

The public is involved through formal comment periods, meetings, newsletters, press releases, newspaper notices, and a project website. An initial comment period (scoping) began on July 25, 2008, with a notice in the Federal Register. The comment period ended on September 28, 2008. During this time, a newsletter was sent to all property owners in the Study Area, and legal notices were run in six local newspapers informing the public of a public meeting that was held in Niobrara on August 28, 2008. Verbal and written comments were received prior to, during, and after the public meeting. A project mailing list was developed based on property owners and those attending the meeting.

A second public meeting was held on July 23, 2009, in Niobrara to present the range of alternatives and preliminary alternatives screening. A second newsletter was provided to the project mailing list and legal notices were provided in six local papers.

A third newsletter was sent to the project mailing list on October 14, 2013, presenting updated project and related EIS development information.

A project website is hosted on the Corps website (<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska/EISHighway12.aspx>) that provides a project description, EIS milestones, links to public notices, and a link to NDOR's project website. NDOR's website (<http://www.transportation.nebraska.gov/projects/niobrara-N12/index.htm>) provides all project information that is available to the public. The public was informed of the website on each newsletter, at each public meeting, and via a postcard that was mailed to the project mailing list in October 2009.

Where Can I Find More Information in the Draft EIS?

- Chapter 1.0 discusses the purpose and need for the project
- Chapter 2.0 discusses the alternatives considered and reviewed in the Draft EIS
- Chapter 3.0 provides information on the existing environment
- Chapter 4.0 presents the environmental impacts associated with the alternatives
- Chapter 5.0 presents avoidance, minimization, and mitigation measures for the project
- Chapter 6.0 provides public involvement efforts



Project Purpose and Need

The purpose and need describes why a project is being considered and details the problems that the project is trying to solve. It also helps the public and agencies determine the alternatives that can solve the problem so that they can be reviewed for environmental impacts.

Purpose of this Project

The purpose of the project is to provide a reliable and safe roadway that meets both the existing and projected traffic needs for the region and Nebraska State Highway design standards.

Project Need

The need for the project is due to flooding associated with the Missouri River and the Lake, which has resulted in an unreliable roadway, safety concerns, and an interruption in regional connectivity.

➤ Existing N-12 Flooding in 2011 - West Segment



➤ Existing N-12 Flooding in 2011 - East Segment



➤ N-12 with No Paved Shoulder and Narrow Lane Widths



Project Need 1 – Provide a Reliable Roadway

Reliability of N-12 in the Study Area is currently affected by flooding and roadway issues that are associated with flooding. Overtopping of the roadway in some areas, such as the Bazile Creek area, is a yearly occurrence. Other areas, such as the Ponca Creek area, are overtopped on a routine, but less frequent, basis. Conditions that contribute to roadway flooding in the Study Area include sedimentation and releases of water from the

Missouri River (Mainstem System). Due to high water levels and overtopping of N-12 in the Study Area, frequent roadway maintenance is necessary and has contributed to the existing roadway not meeting current design standards. See page 9 and 10 for additional detail regarding sedimentation, Mainstem System, and roadway maintenance.

➤ *Maintenance Occurring on N-12*

➤ *Existing N-12 Safety Issues (Guard Rail, Narrow Shoulder, and Steep Embankment)*



Project Need 2 – Safely Accommodate Traffic

Frequent flooding has resulted in characteristics of the roadway that do not meet design standards. Flooding has affected shoulder widths and roadway embankments. Interim improvements to account for these issues have narrowed the lanes, causing the

need for vehicle width restrictions in some areas. In addition, driving hazards exist during and after flooding if motorists attempt to drive through roads marked as closed due to flooding.

➤ *Intersection of N-12 and N-14*

➤ *Chief Standing Bear Memorial Bridge into Nebraska on N-14*



Project Need 3 – Maintain Regional Connectivity

Based on NDOR's analysis of 2006 average daily traffic data, in general, the traveling public that uses N-12 in the Study Area is predominantly traveling in a north-south direction, thereby using N-12 to travel north on N-14 over Chief Standing Bear Memorial

SD-37 and to destinations north or to travel south on N-14. This indicates that N-12 in the Study Area serves a regional transportation need. It is a link in a transportation system that serves the traveling public on a larger scale.

1. Sedimentation

The sediment load from the Missouri River and its tributaries (primarily the Niobrara River) has caused aggradation in the Lake. The flows of these tributaries are reduced due to the reduced flow of the Missouri River because the Study Area is located at the upstream end of the Lake (formed by Gavins Point Dam). Reduced flows cause sediment to be deposited, creating a fill area that restricts the channel and raises the bed of both rivers. This is causing the area of the Lake to decrease in dimension and storage volume. The water surface elevations in the Missouri

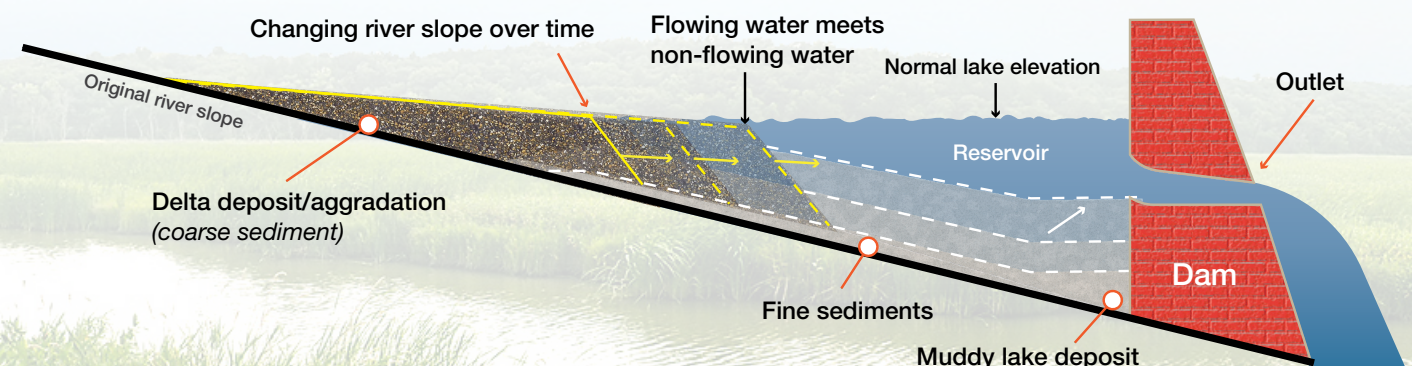
River above the Lake have been raised as a result of the sediment deposits. Sedimentation has also reduced the size (and therefore capacity) of bridge openings (that is, the volume of water able to pass under a bridge).

The Corps estimates from hydrologic surveys that between 2,400 and 2,600 acre-feet of sediment per year is deposited in the Lake.

➤ N 12-Gavins Point Dam



➤ Sedimentation Over Time



2. Missouri River Mainstem System Releases

Fort Randall and Gavins Point dams are part of the Mainstem System, which consists of six major dams and reservoirs in Montana, North Dakota, South Dakota, and Nebraska. The Mainstem System can store 72.4 million acre-feet of water, making it the largest reservoir system in North America. The Mainstem System is regulated by the Corps using guidelines published in the Missouri River Mainstem Master Water Control Manual (Master Manual) to serve the Congressionally authorized project purposes of flood control, navigation, irrigation, hydro-power generation, water supply, water quality control, recreation, and fish and wildlife (including threatened and endangered species). Flooding of N-12 occurs when the Corps is required to release

high flows from Fort Randall Dam during the navigation season due to higher than normal runoff into the Mainstem System.

3. Roadway Maintenance

Between 2005 and 2010, 22 NDOR maintenance events have occurred on N-12 in the Study Area, requiring 2,946 total hours (average of 133.9 hours per event). Maintenance costs for N-12 are more than two times the costs for similar roadways. Maintenance results in temporary lane closures.

Missouri River Mainstem System



Where Can I Find More Information in the Draft EIS?

- Chapter 1.0 discusses the purpose and need for the project

Alternatives

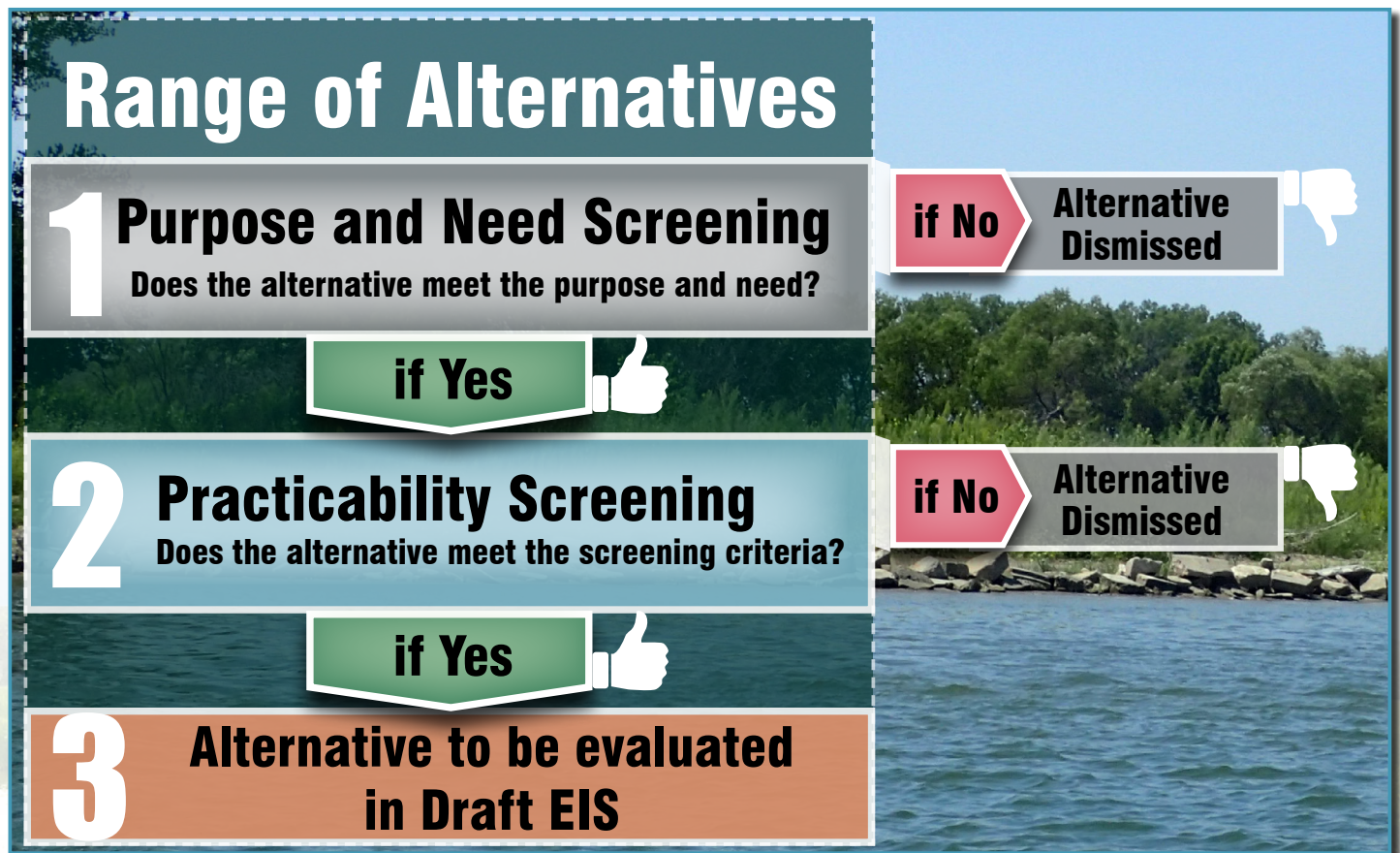
The Corps is required to consider alternatives to the NDOR's Applied-for Project that would avoid impacts on waters of the U.S. Alternatives must be reasonable in order for them to be evaluated.

Reasonable alternatives are those that are practical or feasible from the technical and economic standpoint and using common sense rather than simply desirable from the standpoint of the applicant. Reasonable alternatives give the decision maker a clear basis for choice.

The Corps implemented a structured multi-step process to develop and screen alternatives to NDOR's Applied-for Project with a goal to consider the broadest range of alternatives and

identify a range of reasonable alternatives that would be analyzed in this Draft EIS (see Figure ES-2). Each step of this process was designed to build upon the previous step by using more refined and detailed information. General concepts were first reviewed. Alternatives were developed from reasonable concepts. The intent of the iterative process was to eliminate unreasonable (and not practicable) concepts and alternatives as early in the process as possible to allow for the Corps, cooperating agencies, and NDOR to focus on reasonable alternatives.

Figure ES-2: Alternative Screening Process



Evaluation of the No-Action Alternative is required in an EIS (40 Code of Federal Regulations [CFR] 1502.14(d) and 1508.25(b)). The No-Action Alternative is used as a benchmark for comparison of the environmental effects of the Action Alternatives. Under the No-Action Alternative, for comparative purposes, it is assumed that neither the Applied-for Project nor any of the Action Alternatives would be implemented. In this scenario, it is assumed that NDOR would continue to maintain N-12 for traffic and make improvements to correct the design deficiencies that have been created due to past flood events. Maintenance activities that impact jurisdictional wetlands or other waters of the U.S. would require a federal action from the Corps. Actions

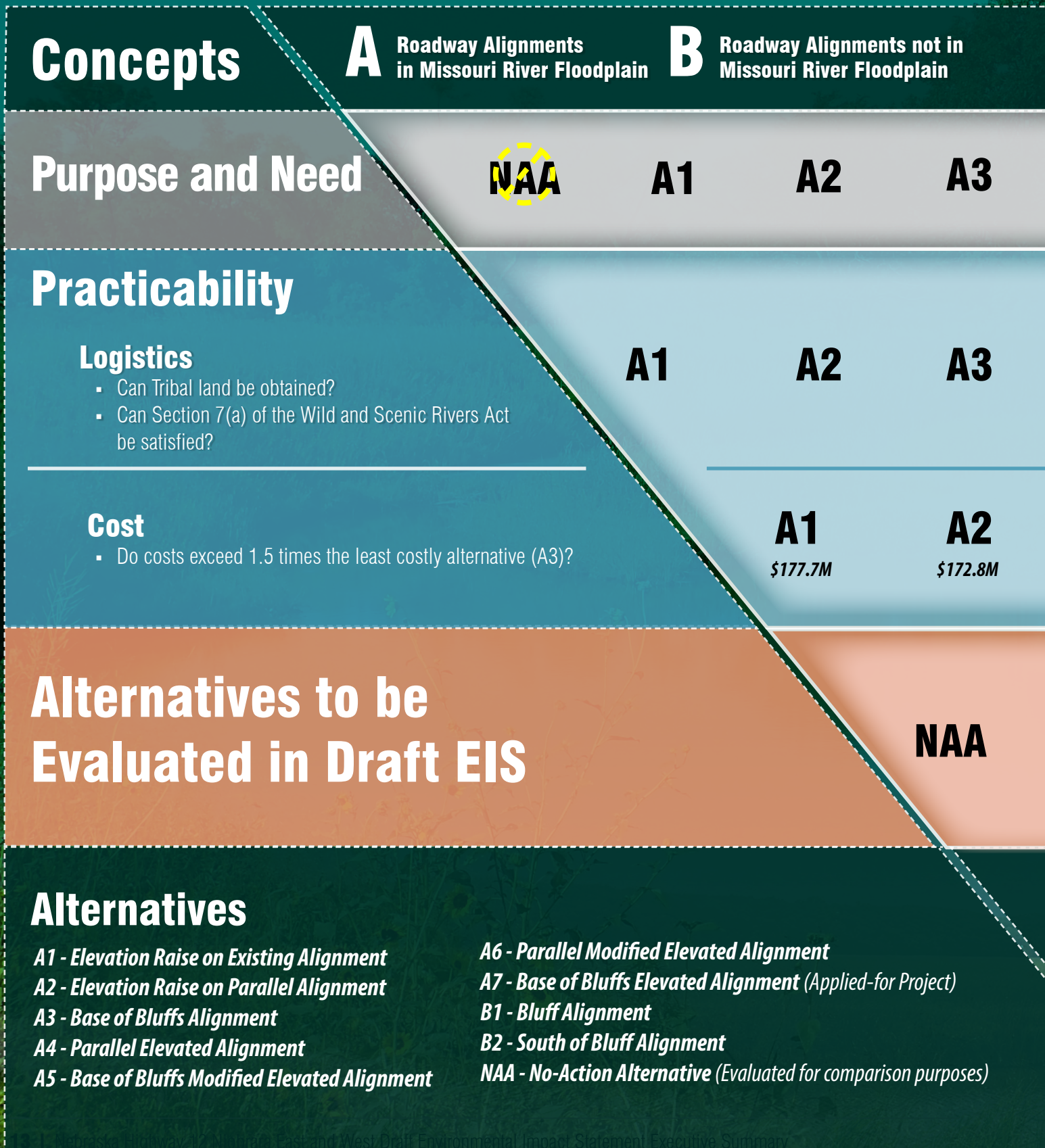
within the 39-Mile District of the MNRR that impact jurisdictional wetlands or other waters of the U.S. would require a federal action from the Corps and/or the NPS. These federal actions would require compliance with NEPA and would be evaluated on each independent action. Future maintenance activities associated with the No-Action Alternative requiring a federal action are not evaluated in this Draft EIS.

The graphic on pages 13-14 describes the alternatives developed, the results of screening, and the alternatives carried forward for evaluation in this Draft EIS. Figure ES-3 on pages 15-16 shows the location of Alternatives A1, A2, A3, and A7.

Existing N-12 Alignment in the East Segment



Range of Alternatives Screening Process





This indicates that the concept or alternative was dismissed from further evaluation.



The No-Action Alternative does not meet the purpose and need but is evaluated in the Draft EIS for comparison purposes.



This indicates that the concept was eliminated



Missouri River Mainstem System Regulation Changes

Not feasible to implement in a timely manner and no guarantee that flooding would be reduced.



Lewis and Clark Lake Sediment Removal

Requires yearly dredging for the life of the project (\$2.58 billion through 2045); therefore, too costly to implement.

A4



Not sufficiently different from A7



Not sufficiently different from A4

A7

B1

B2

A4

A7

B1



Not sufficiently different from B1

A3

\$169.2M



\$330.2 M

A7

\$224M



\$341.7 M

A1

A2

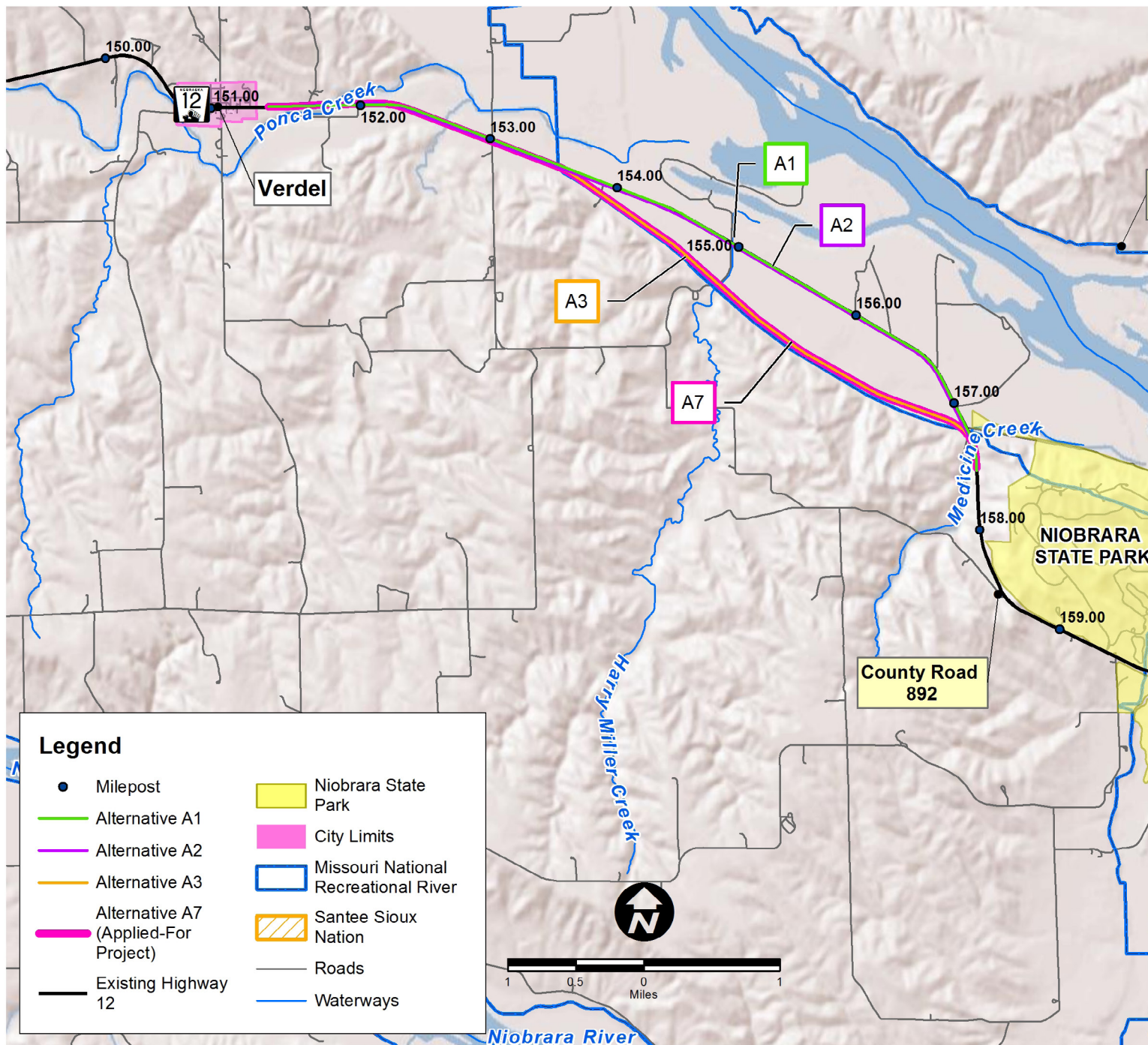
A3

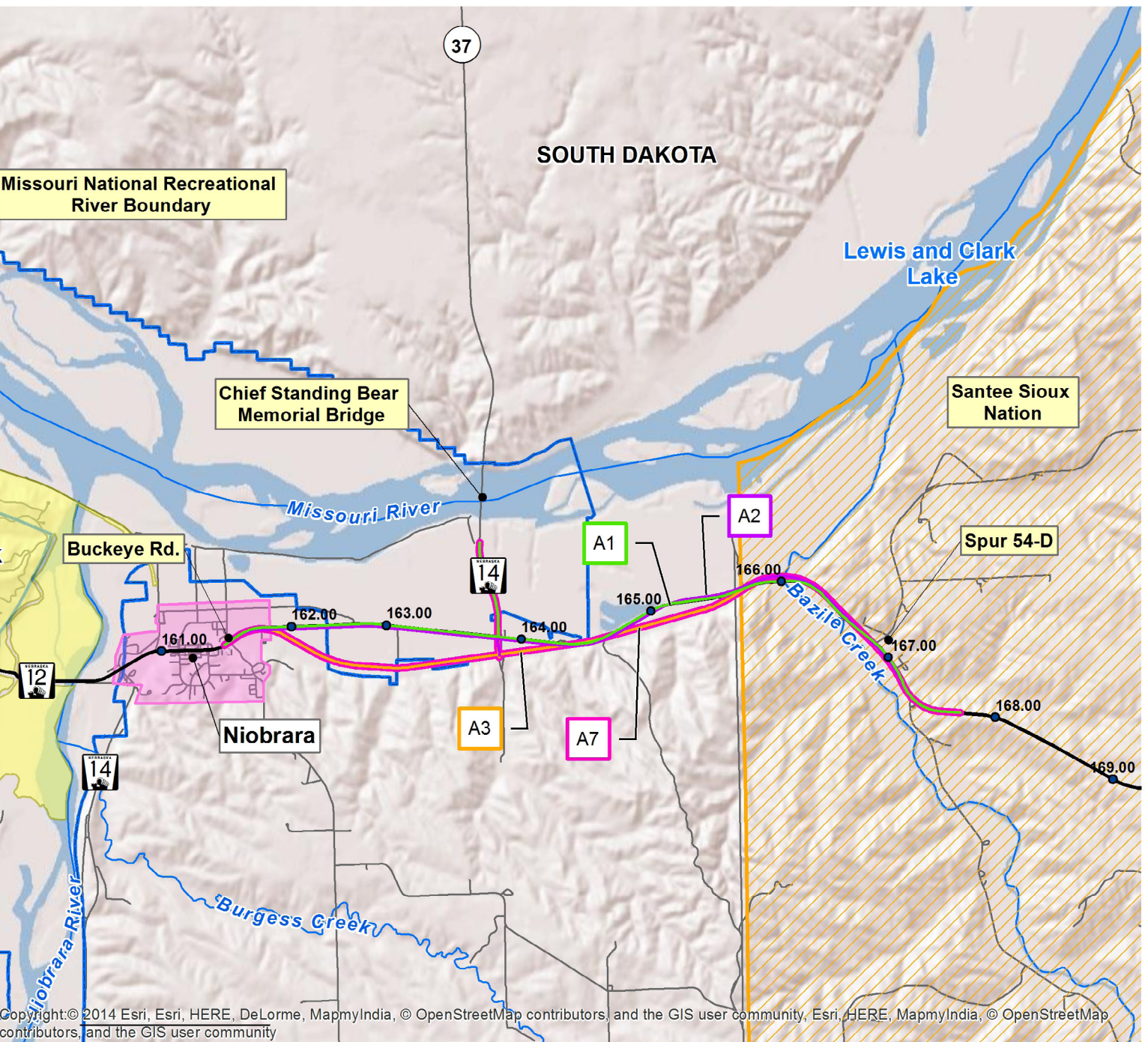
A7

Where Can I Find More Information in the Draft EIS?

- Chapter 2.0 discusses the alternatives considered and reviewed in the Draft EIS.

Figure ES-3: Alternatives Evaluated in the Draft EIS





Existing Environment and Environmental Impacts

The project is located in a rural setting in northeast Nebraska. Located in the historic floodplain of the Missouri River, the most common land use in the Study Area consists of row crop agriculture, pasture lands, woodlands, and wetland areas.

The majority of the land in this area is privately owned. Most of the wetlands in the Study Area are the result of the aggradation and delta effect that has been forming at the upstream end of the Lake. The Missouri River, its associated waterways, and the adjacent floodplain and uplands support a variety of fish and wildlife populations.

Portions of N-12 in the Study Area are within the boundary of the MNRR. Bazile Creek State Wildlife Management Area (WMA) is within the Study Area.

The common resources reviewed in an EIS include a host of natural and social resources. This includes wildlife and their habitats, air, noise, visual, water quality, recreation, transportation, age, race, income distributions, land use and acquisitions, public services and public facilities, hazardous materials, economics, and secondary, indirect, cumulative, and temporary impacts. The Applied-for Project, as well as the reasonable alternatives

to the Applied-for Project being reviewed in this Draft EIS, are all located in the same general environment (the historic Missouri River floodplain). Therefore, many of resources within the Study Area are affected similarly. However, some resources are affected differently.

Resources not or minimally affected by all alternatives are: noise, land use, farmland, regulated materials, air quality, social, economics, energy, and climate change. A discussion of these resources can be found in Appendix C of the Draft EIS. Chapter 4.0 of the Draft EIS addresses impacts on fish and wildlife habitat, wetlands and other waters of the U.S., water quality, regulated floodplain, cultural resources, visual resources, recreation, and acquisitions and relocations.

Table ES-1 summarizes the resources for which there is a noticeable difference in impacts. See Figures ES-4 through ES-11 for each alternative's permanent area of impact.

Wetlands Associated with the Missouri River Downstream of the Study Area

Where Can I Find More Information in the Draft EIS?

- Chapter 3.0 of the Draft EIS provides information on the existing environment
- Chapter 4.0 of the Draft EIS presents the environmental impacts associated with the alternatives



Table ES-1: Summary of Impacts on Resources

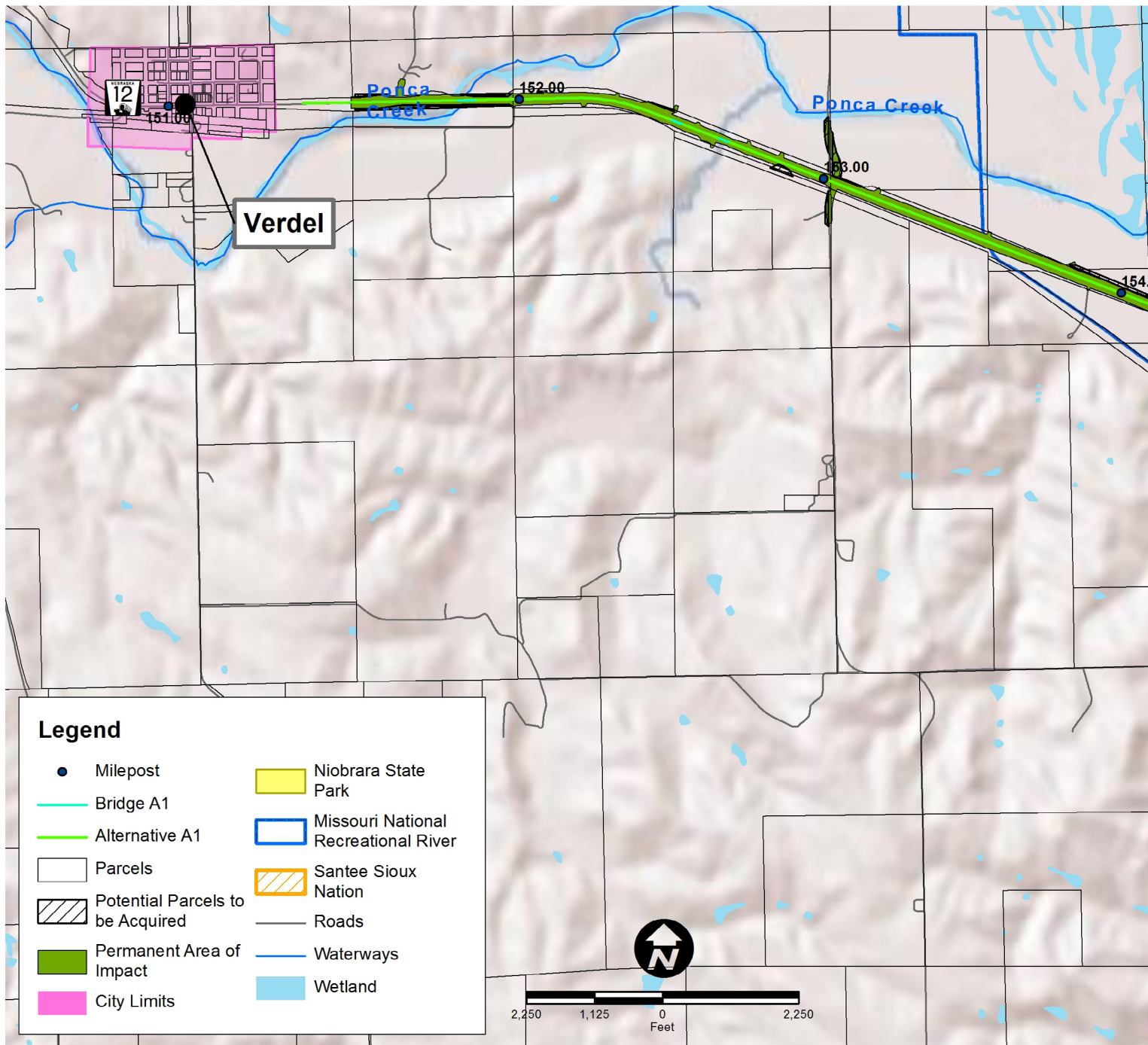
Resource or Issue	No-Action Alternative	Alternative A1	Alternative A2	Alternative A3	Alternative A7 Applied-For Project
Fish and Wildlife Habitat	Negligible impact on fish and wildlife habitat resulting from any road maintenance repairs	Agricultural Impacts: 2 acres Woodland Impacts: 8 acres Grass/Rangeland: 14 acres Wetland: 147.4 acres	Agricultural Impacts: 6 acres Woodland Impacts: 14 acres Grass/Rangeland: 21 acres Wetland: 142.3 acres	Agricultural Impacts: 23 ac Woodland Impacts: 67 ac Grass/Rangeland: 56 ac Wetland: 122.3 ac	Agricultural Impacts: 23 acres Woodland Impacts: 67 acres Grass/Rangeland: 56 acres Wetland: 90.9 acres
Wetlands and Other Waters of the U.S.	No impact	Wetland: 147.4 acres	Wetland: 142.3 acres	Wetland: 122.3 acres	Wetland: 90.9 acres
Right-of-Way (ROW) Acquisitions	No impact	111 acres	132 acres	1,064 acres	1,064 acres
Floodplain	Negligible impact on Missouri River conveyance and Missouri River and Lewis and Clark Lake flood storage	Negligible impact on Missouri River conveyance; Major negative impact on floodplain and Lewis and Clark Lake storage (flood level equalization)	Negligible impact on Missouri River conveyance; Major negative impact on floodplain and Lewis and Clark Lake storage (flood level equalization)	Negligible impact on Missouri River conveyance and Missouri River and Lewis and Clark Lake flood storage	Negligible impact on Missouri River conveyance and Missouri River and Lewis and Clark Lake flood storage
Visual <i>Eight observation points of the Study Area were reviewed for each alternative</i>	Negligible impact for all views	Negligible impact - 5 observation points Moderate impact - 1 observation point Major impact - 2 observation points	Negligible impact - 5 observation points Moderate impact - 1 observation point Major impact - 2 observation points	Negligible impact - 7 observation points Moderate impact - 1 observation point	Negligible impact - 7 observation points Moderate impact - 1 observation point

➤ Bazile Creek Upstream of N-12

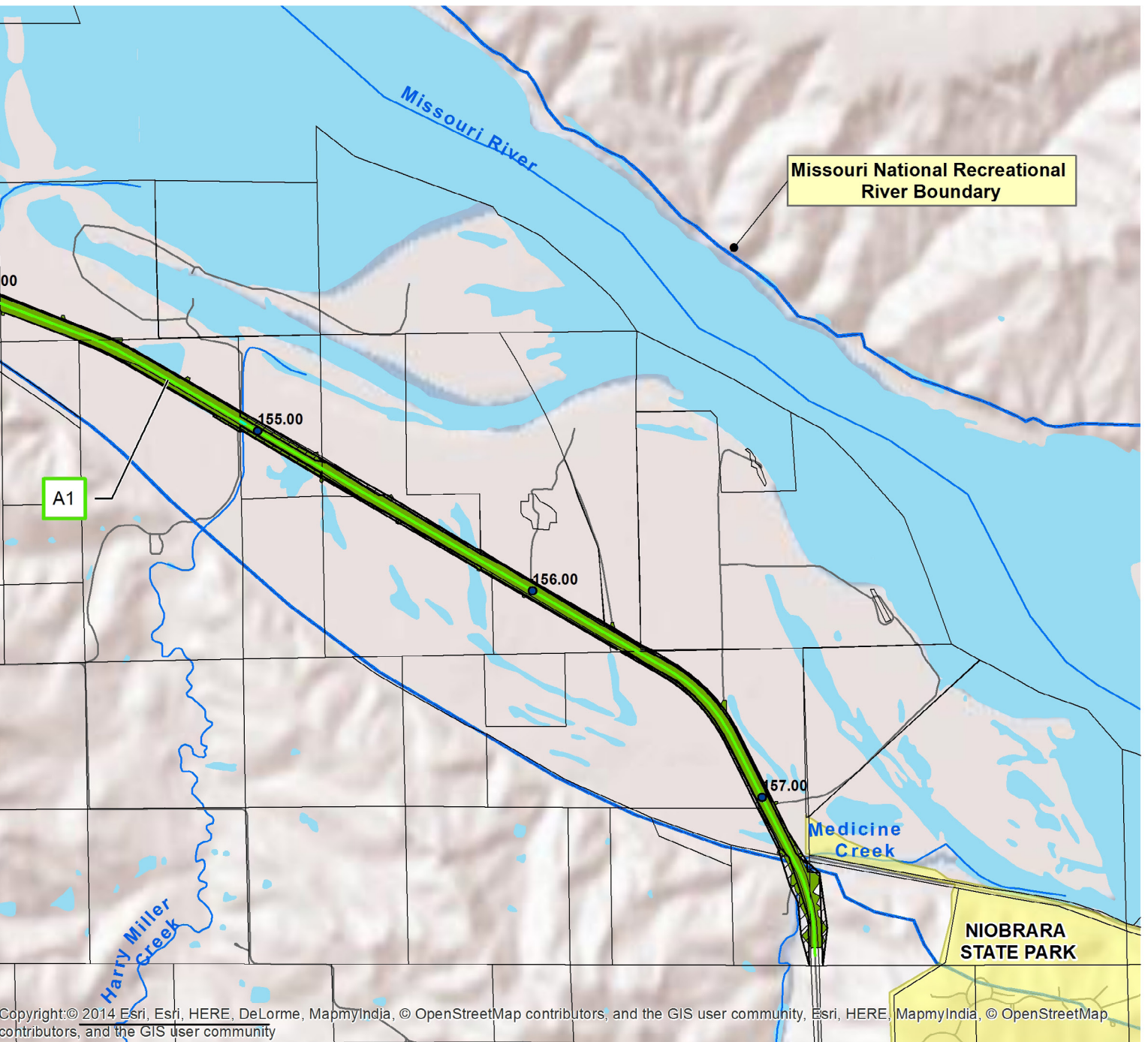
➤ N-12 within the Bazile Creek Wildlife Management Area



Figure ES-4: Alternative A1 – West Segment Permanent Area of Impact

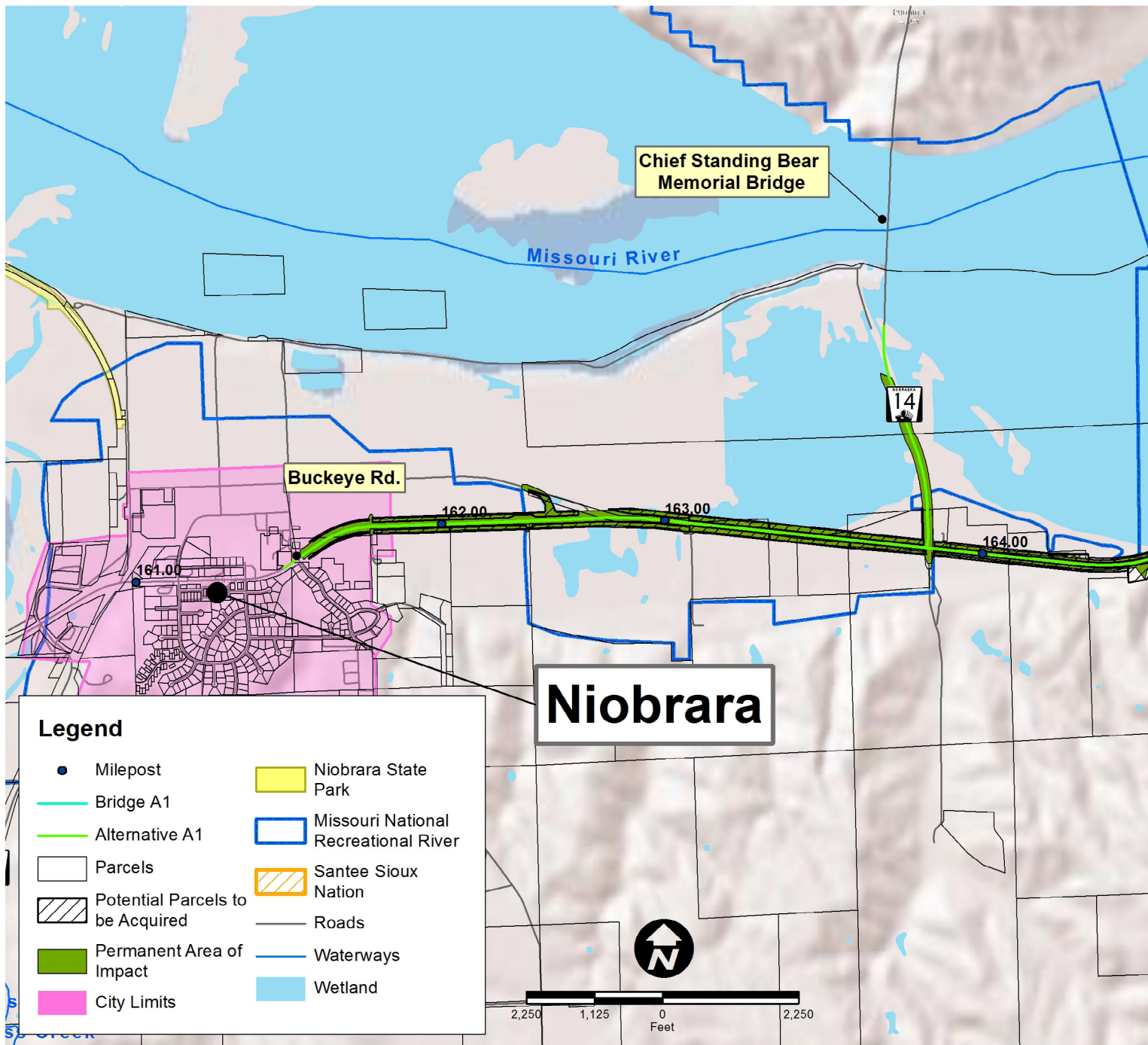


Alternative A1 West Segment



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Figure ES-5: Alternative A1 – East Segment Permanent Area of Impact



Alternative A1 East Segment

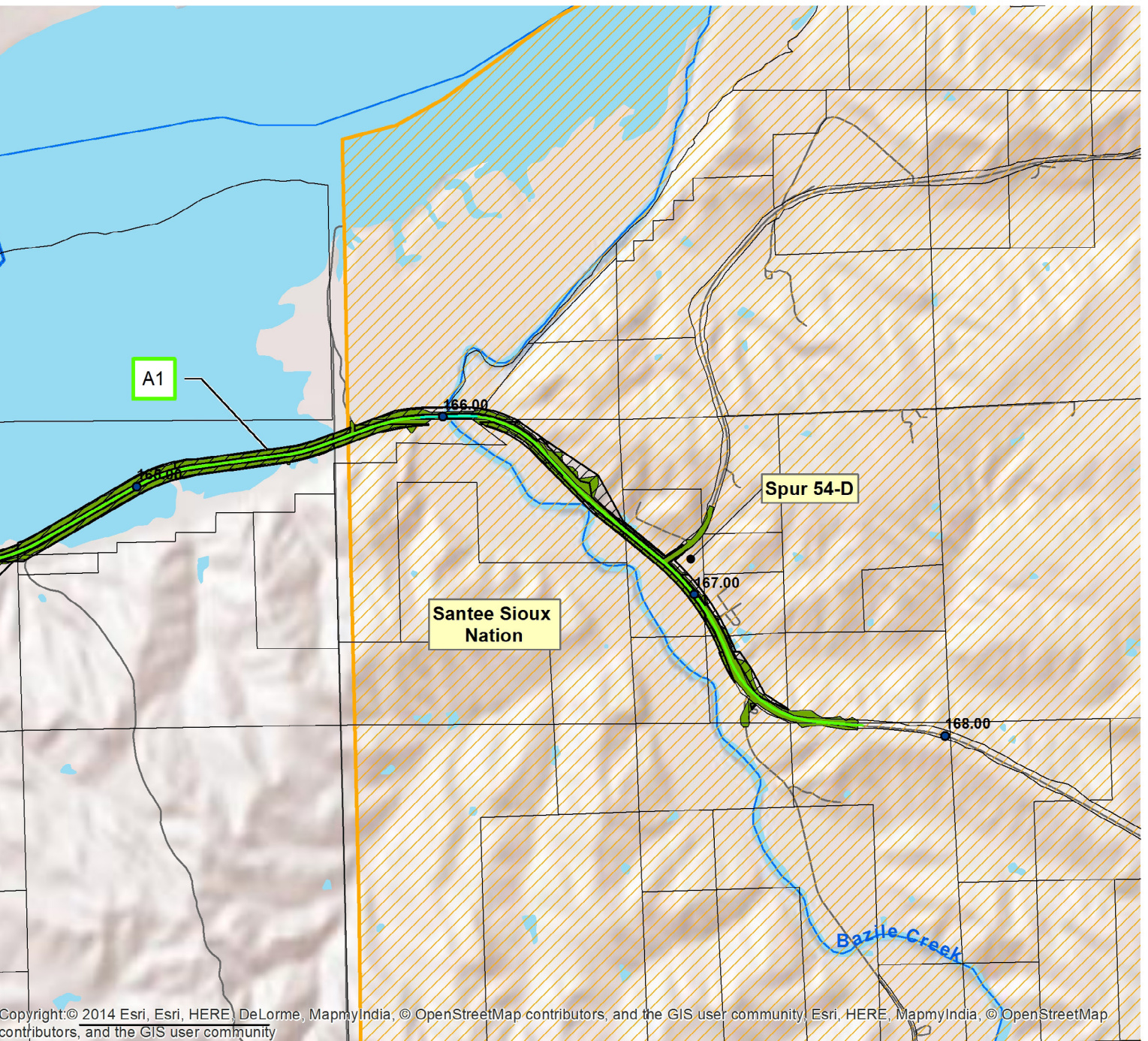
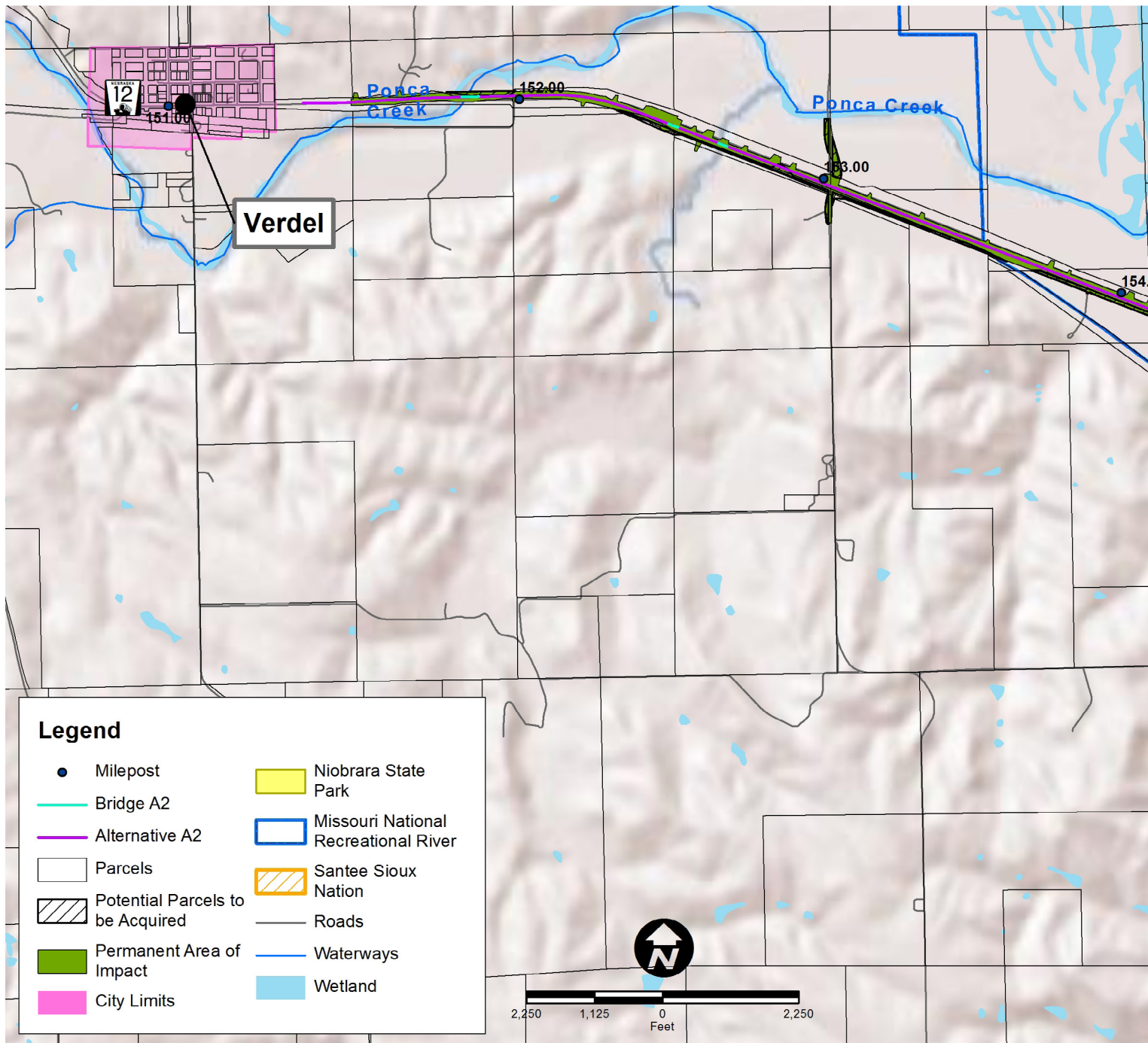


Figure ES-6: Alternative A2 – West Segment Permanent Area of Impact



Alternative A2 West Segment

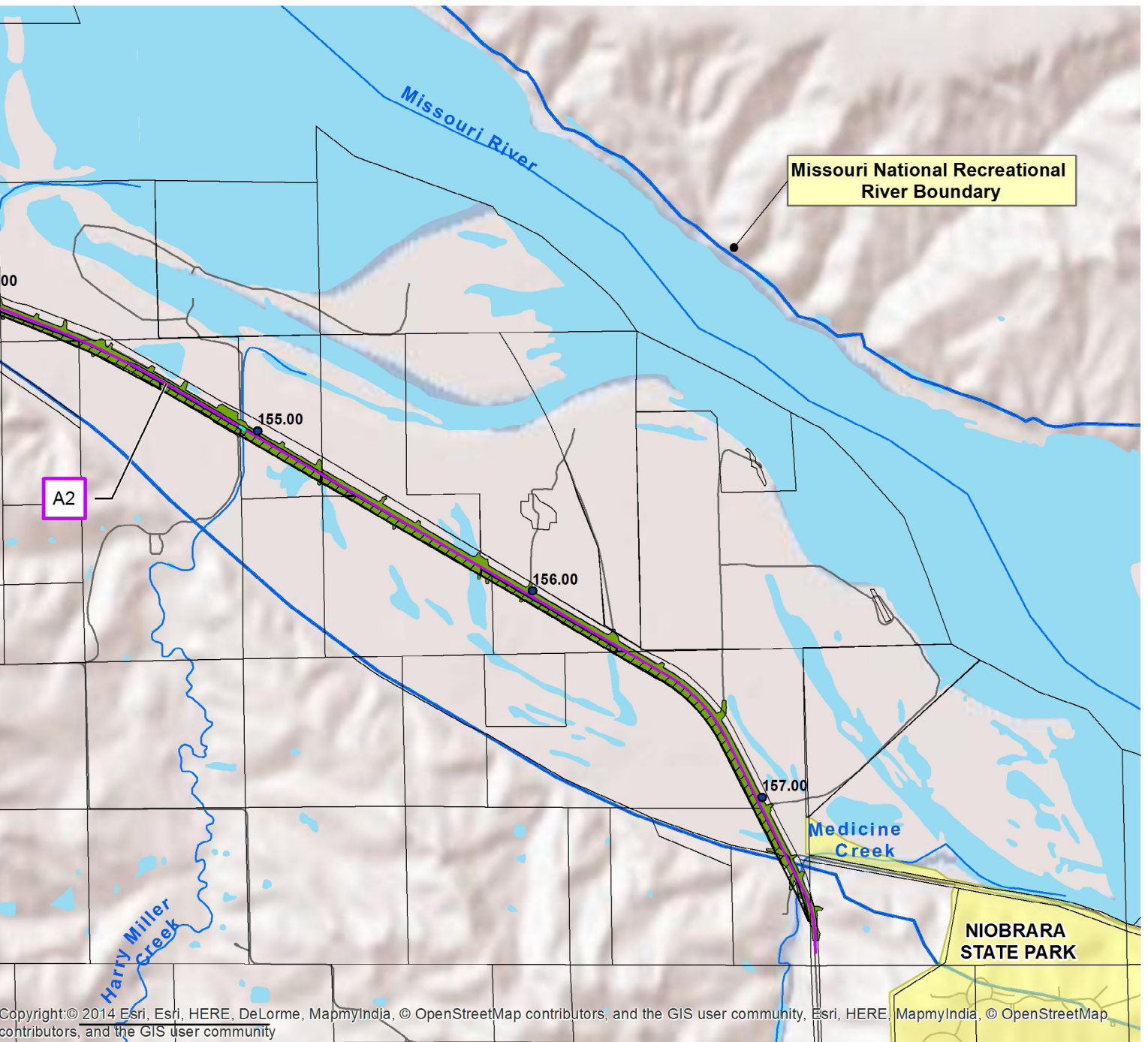
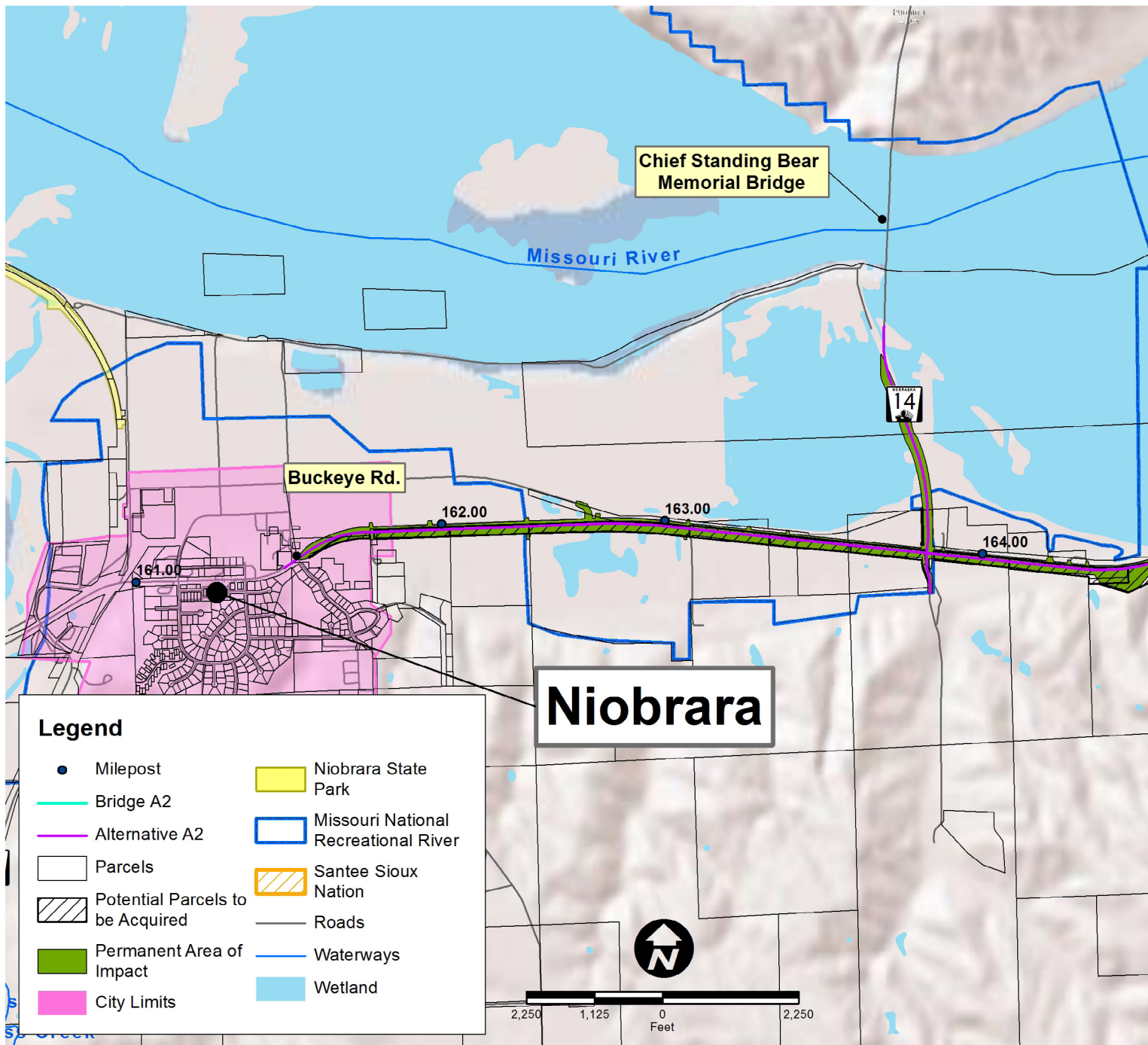


Figure ES-7: Alternative A2 – East Segment Permanent Area of Impact



Alternative A2 East Segment

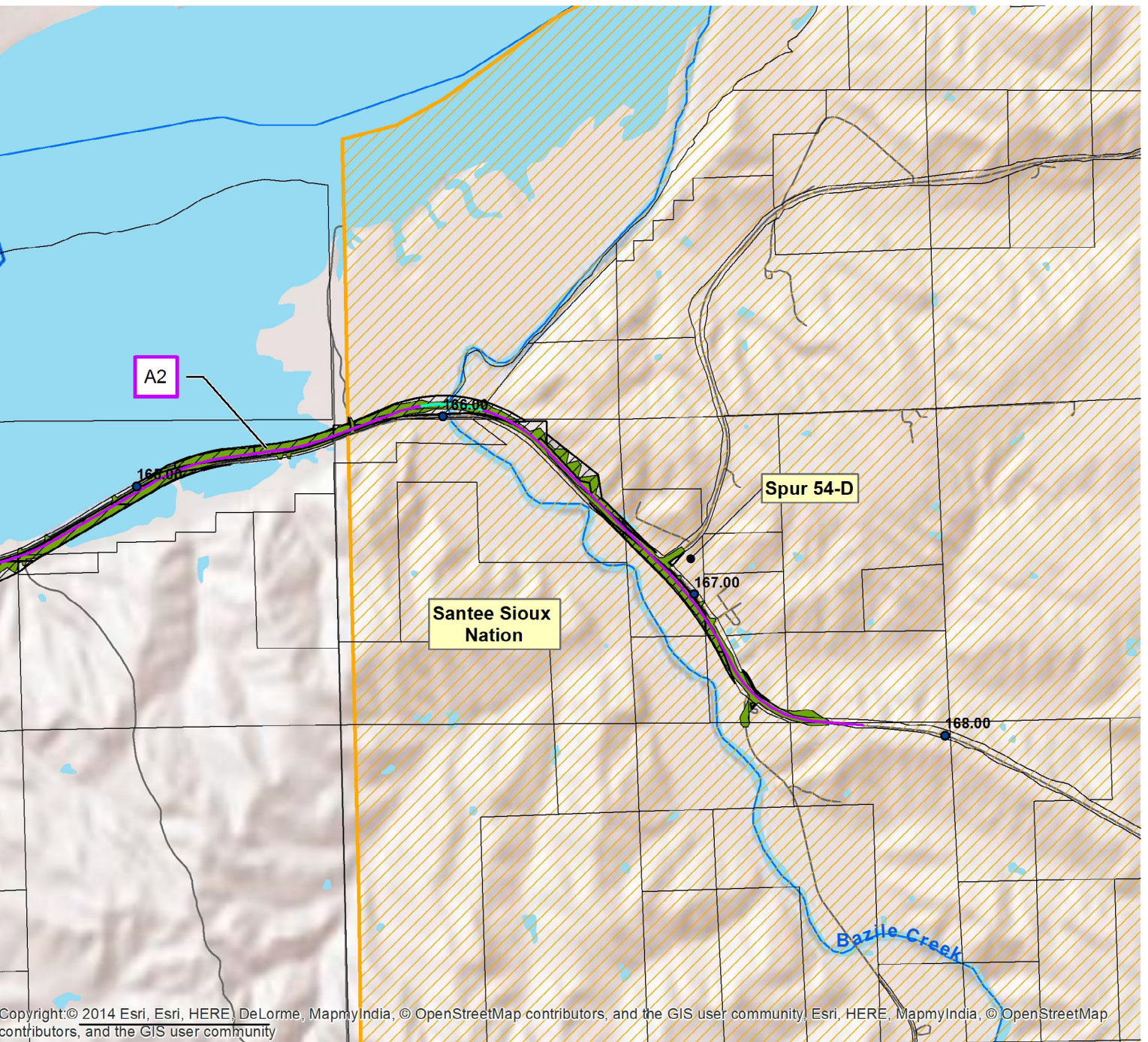
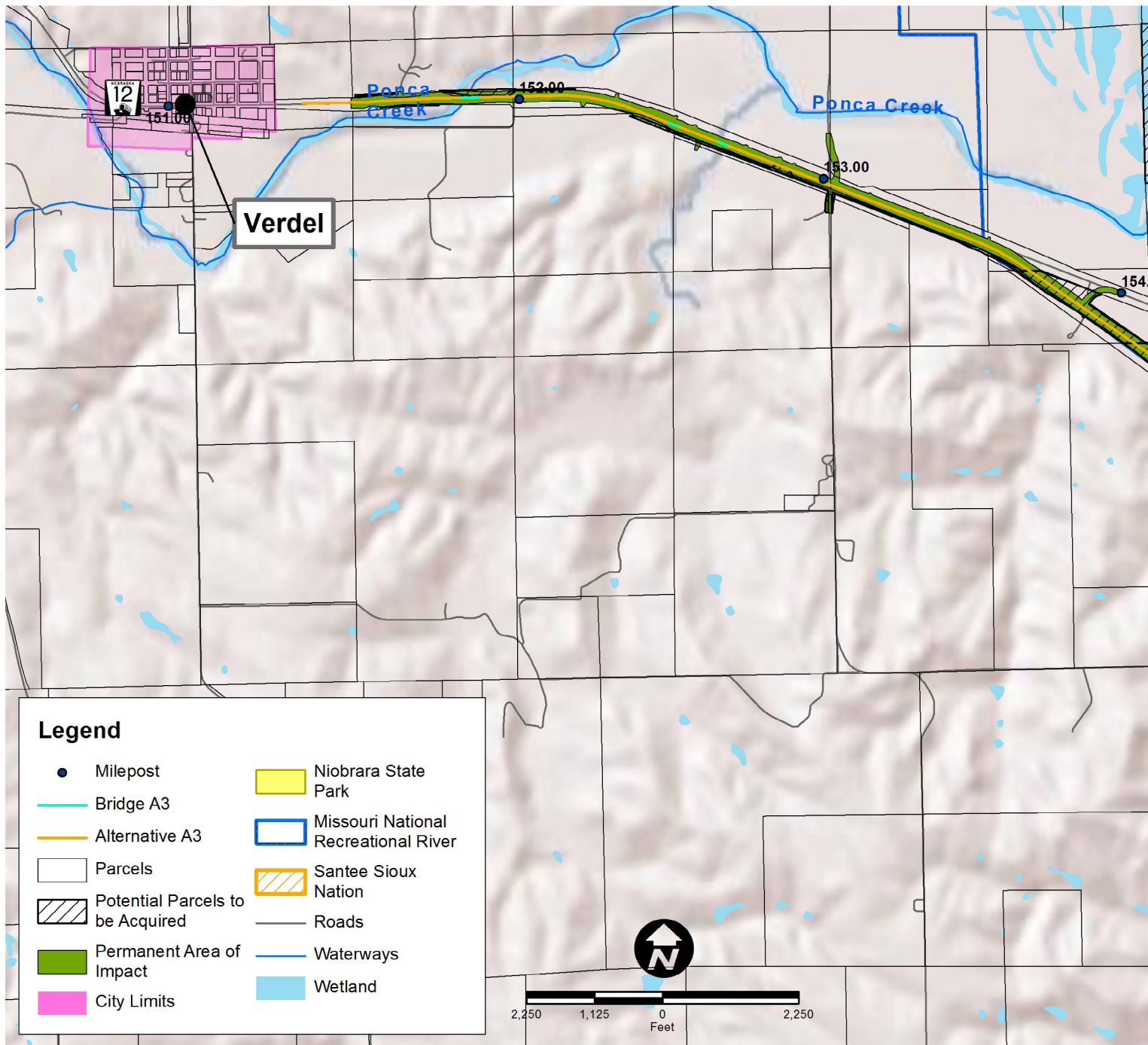
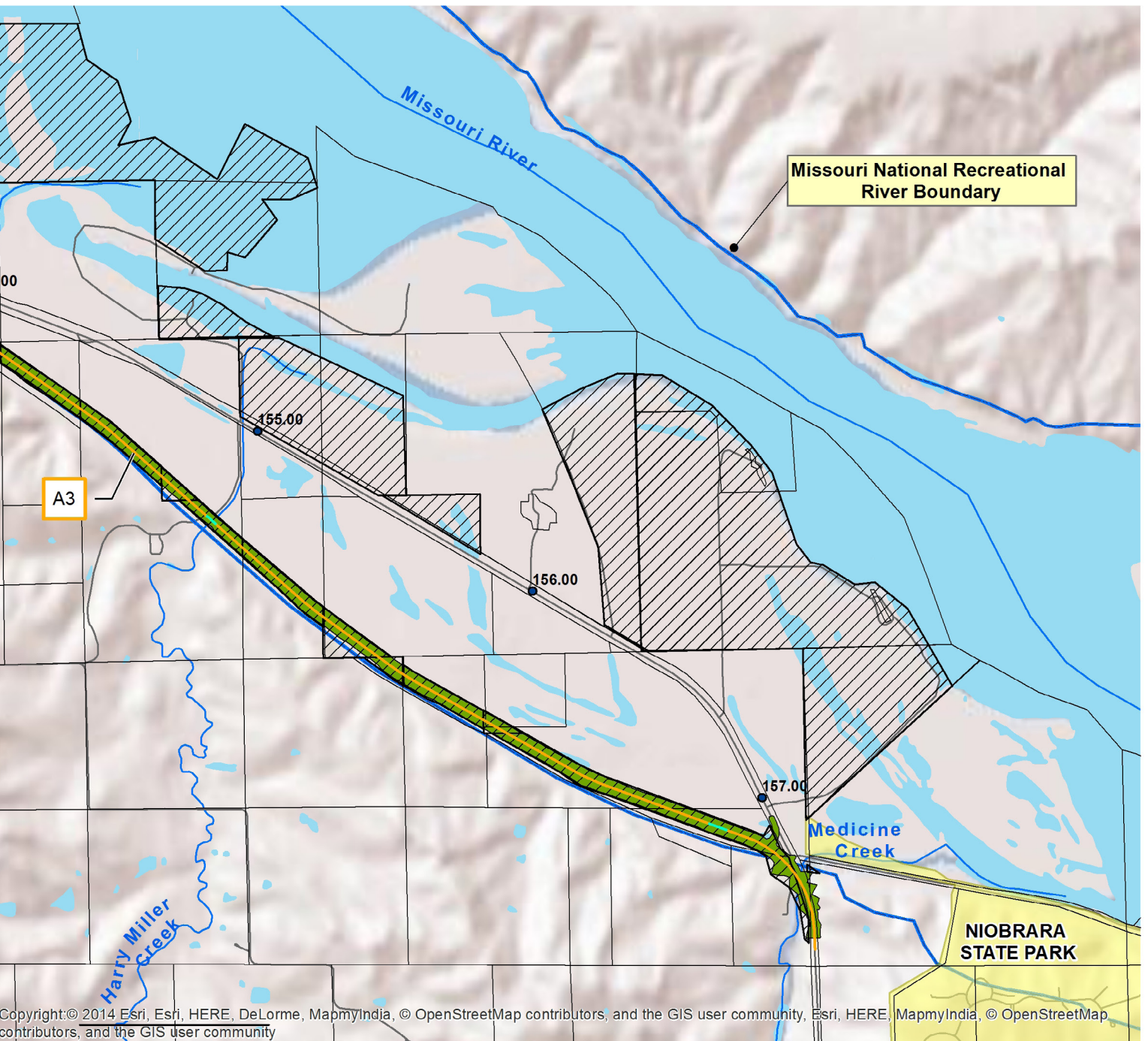


Figure ES-8: Alternative A3 – West Segment Permanent Area of Impact

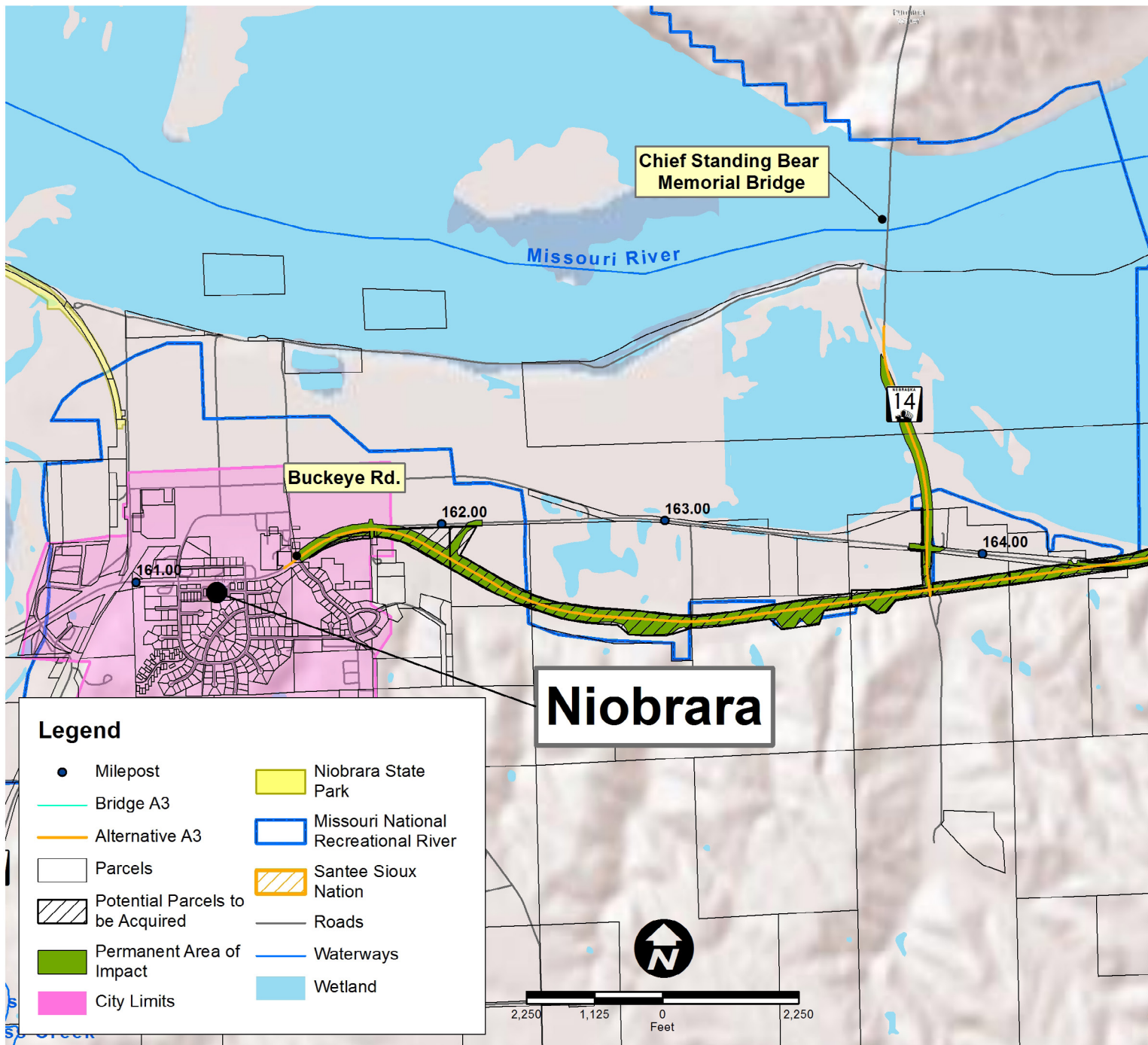


Alternative A3 West Segment



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Figure ES-9: Alternative A3 – East Segment Permanent Area of Impact



Alternative A3 East Segment

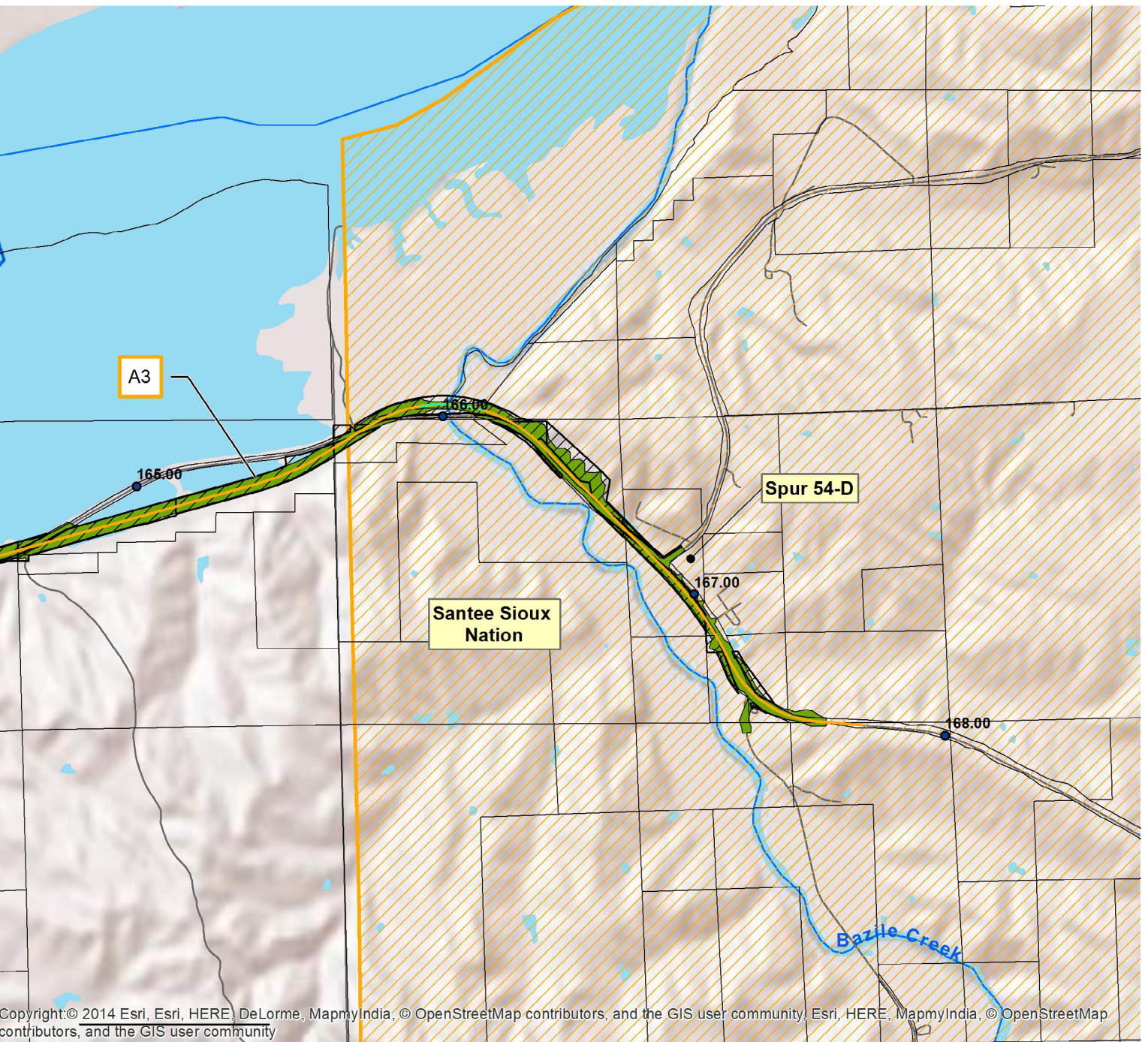
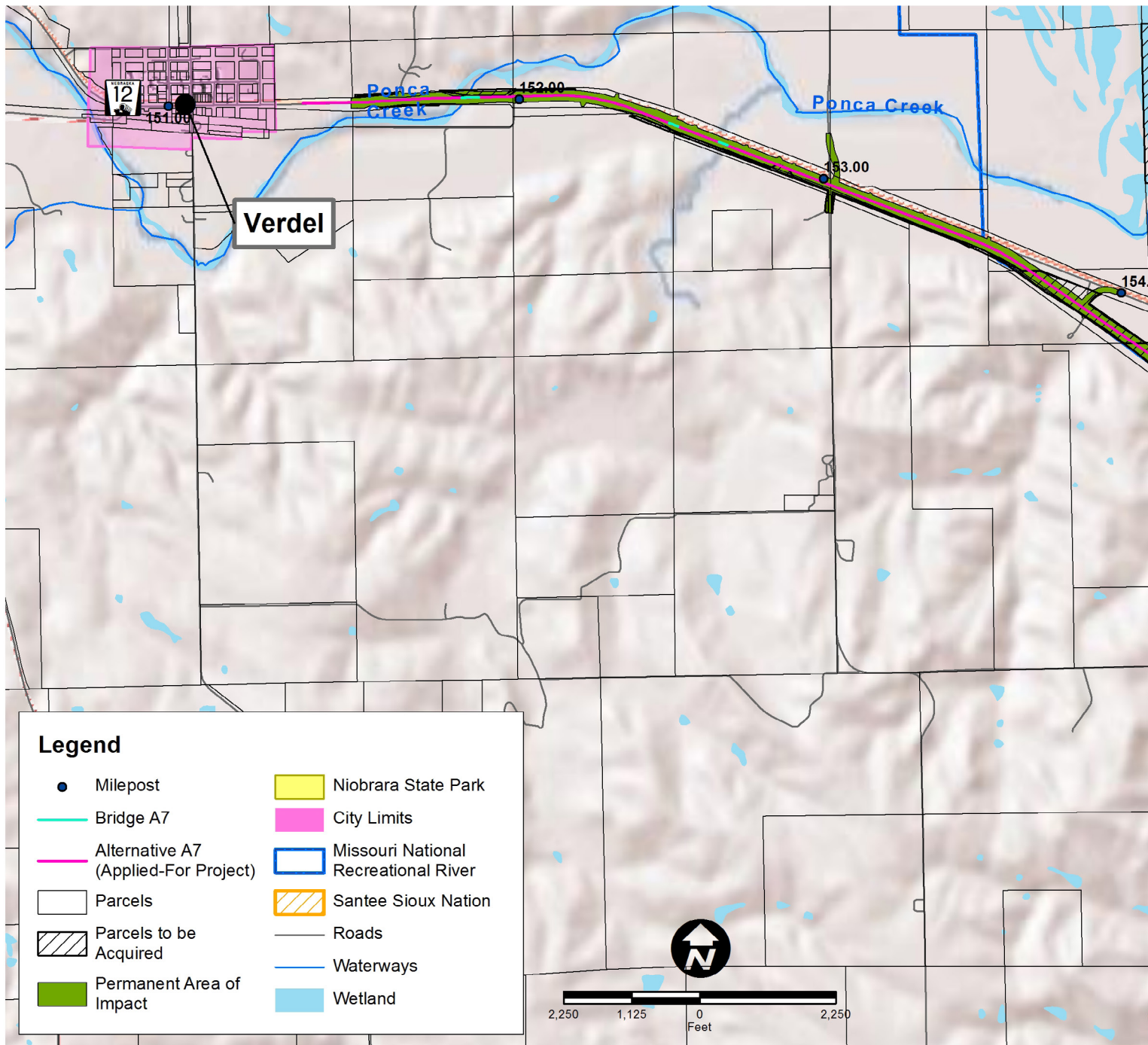


Figure ES-10: Alternative A7 - West Segment Permanent Area of Impact



Alternative A7 West Segment

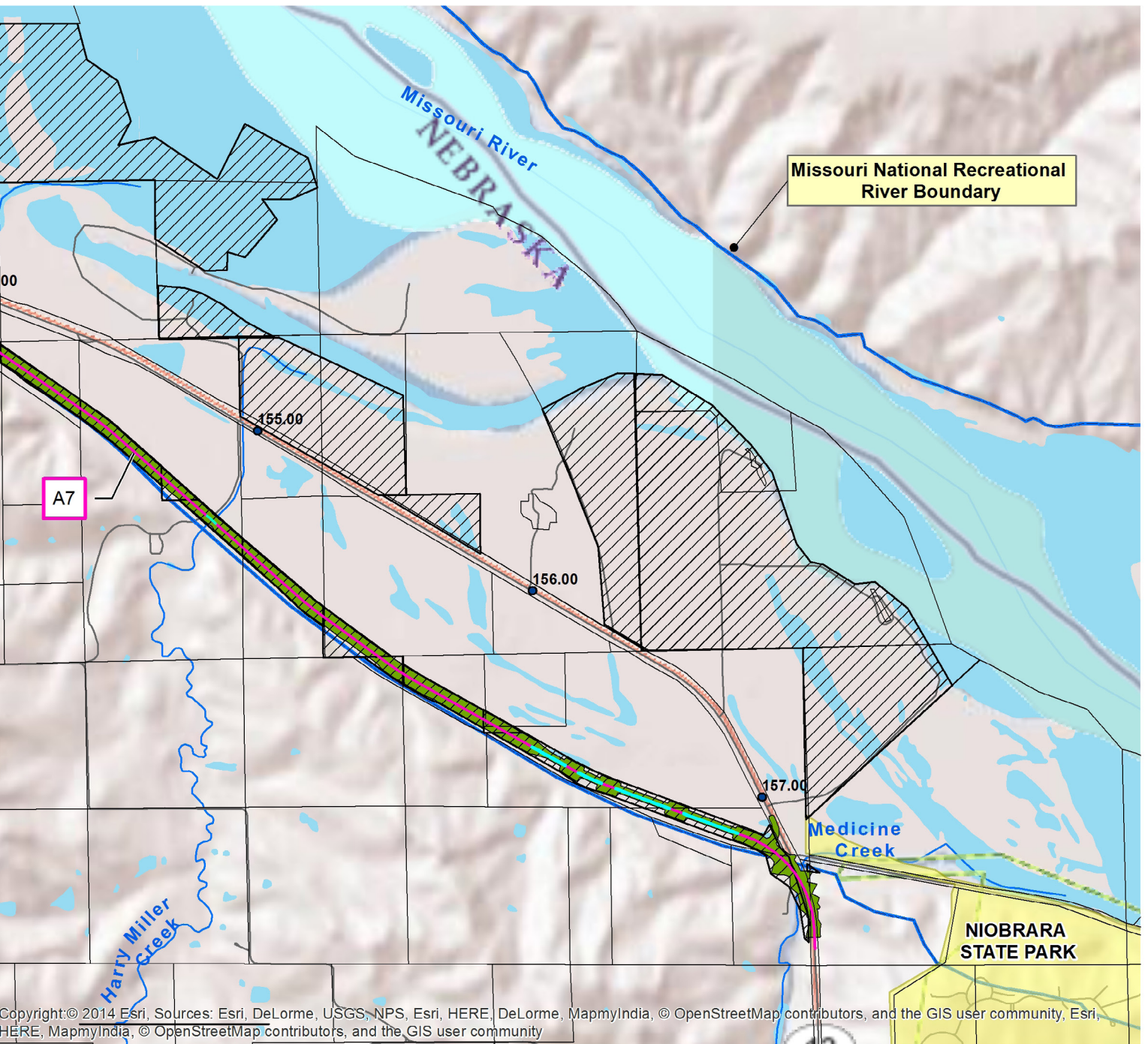
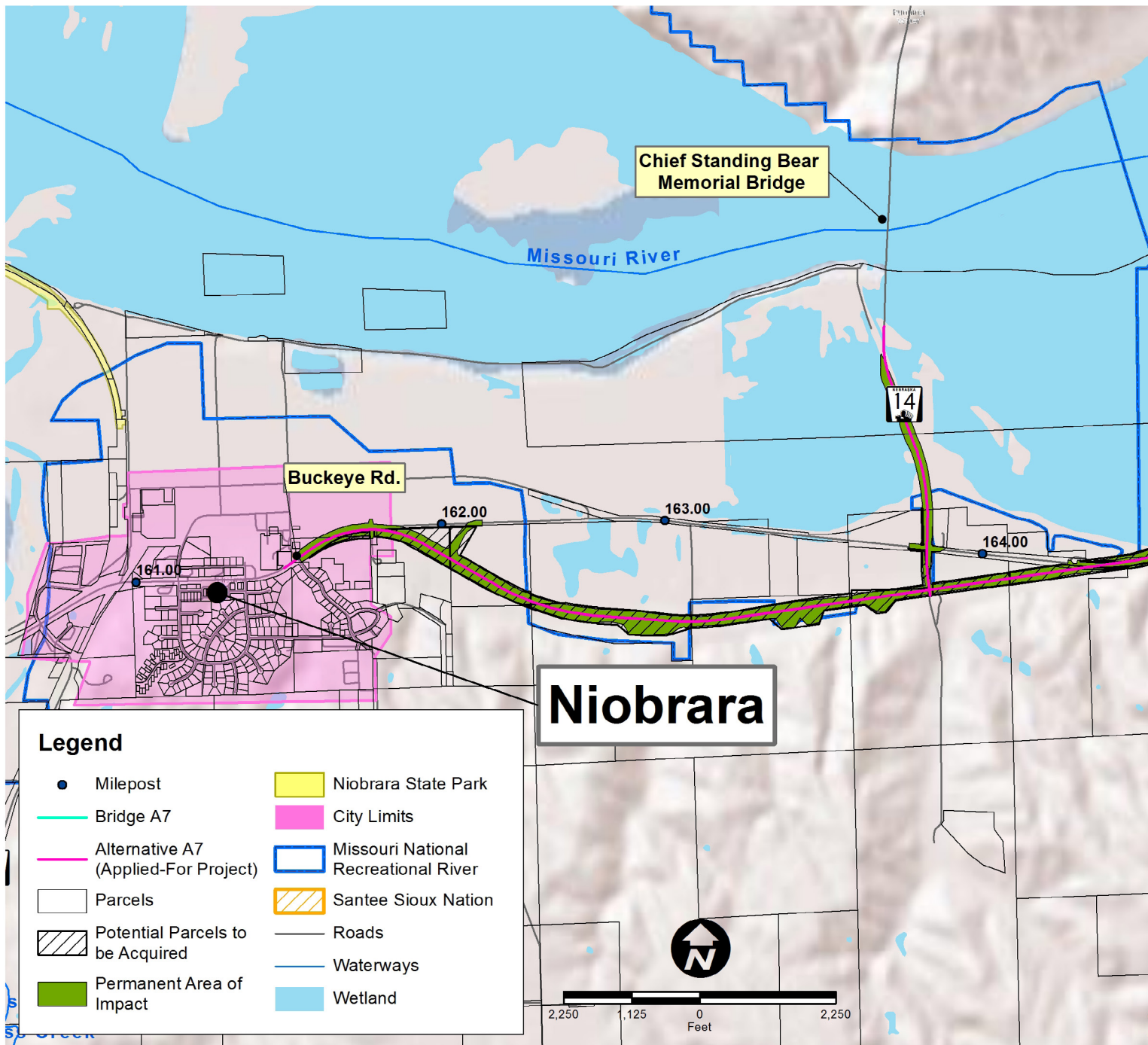
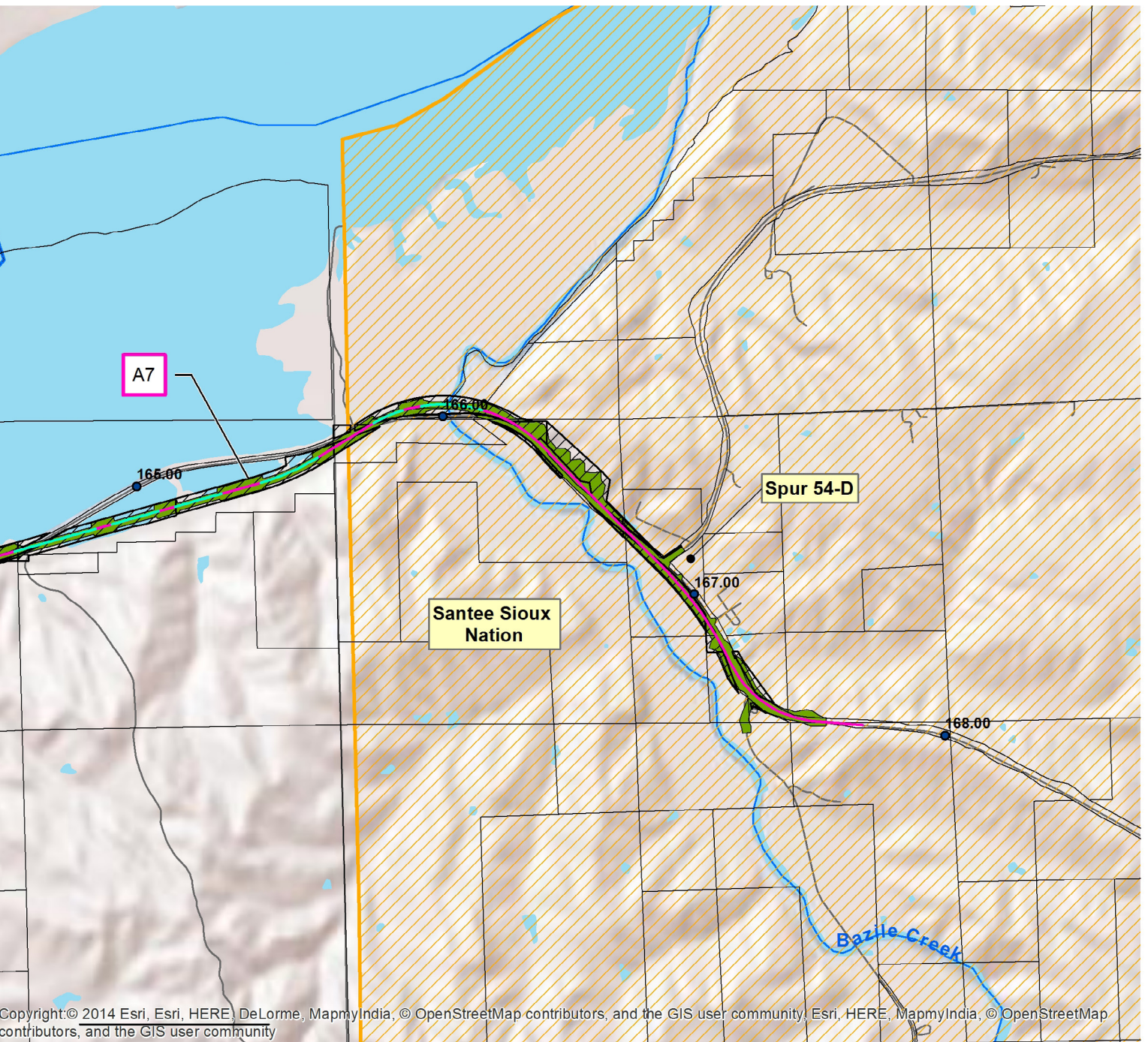


Figure ES-11: Alternative A7 - East Segment Permanent Area of Impact



Alternative A7 East Segment



Mitigation and Next Steps

Mitigation is considered by the Corps in two ways during the NEPA process: Applicant-proposed avoidance and minimization measures (referred to as design measures), and resource-specific mitigation measures intended to offset or compensate for unavoidable adverse impacts (referred to as mitigation measures).

Other federal agencies will use this Draft EIS as part of their decision-making or consultation processes, and are asked as part of this process to comment on and/or propose additional design and mitigation measures pertinent to their permitting, authorization, or area of expertise.

Design measures are project design components implemented by NDOR that have been incorporated into the design of the Action Alternatives. A listing of design measures can be found in Chapter 5.0 of this Draft EIS. The Corps encourages the public and agencies to comment on the adequacy of the proposed mitigation and to suggest additional conditions that would avoid, minimize, rectify, or compensate for the identified impacts associated with the Action Alternatives. Mitigation measures will be addressed in the Final EIS and ROD, and will include consideration of measures suggested by the public and agencies during the Draft EIS comment period.

Next Steps

The Corps invites interested parties to comment on this Draft EIS. The public may comment by mail, email, at the public meeting, or at the public hearing.

The public open house meeting and public hearing will be held on November 9, 2015, with the open house beginning at 4:30 p.m. with the public hearing beginning at 6:00 p.m., at the Niobrara Secondary School located at 247 NE-12, Niobrara, NE 68760.

What Happens with My Comments?

All comments received will be reviewed and substantive comments will be addressed in the Final EIS. The Corps will consider comments substantive if they:

- Provide additional or new information that is relevant to the EIS analysis

- Present other reasonable alternatives or components to the Applied-for Project, provided that a rational basis for consideration of the alternative or component is included
- Question the accuracy or adequacy of the information presented in the Draft EIS, provided that a rationale basis for the question is included

When Will the Corps Make a Decision?

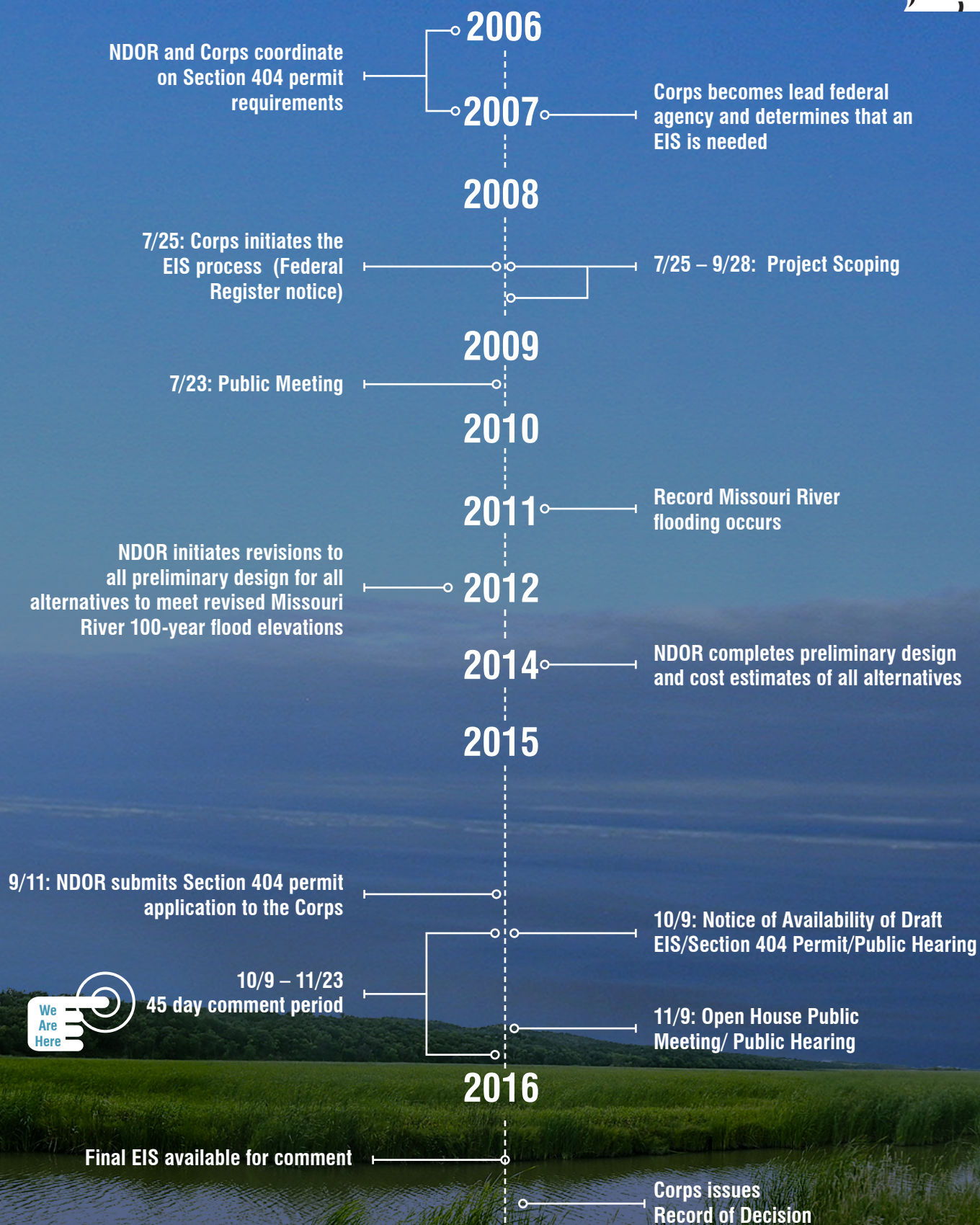
The Corps will make a decision on whether or not to issue a permit after the Final EIS has been issued. At that time the Corps will prepare a ROD that will describe, in detail, the Corps' evaluation of the permit application. If the permit is granted, the ROD will include any conditions attached to the Corps approval. At this time, the Corps plans to publish a Final EIS in the summer of 2016 and a ROD in the fall of 2016.

When will Something be Built?

Assuming the Corps issues a Section 404 permit for the Applied-for Project or NDOR amends their application to coincide with modifications deemed necessary by the Corps in order to issue a permit, NDOR would proceed into project design. This would occur after the ROD is issued. This design and contractor selection process would take between 4-5 years. Construction would commence following selection of a contractor. It is anticipated construction would take three years, pending potential construction delays (such as weather and resultant river flows and material availability).



EIS Development





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www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska/EISHighway12.aspx

